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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Oman

1. At its 727th and 728th meetings (see CRC/C/SR.727 and 728), held on 27 September 2001, the Committee on the Rights of the Child considered the initial report of Oman (CRC/C/78/Add.1), which was received on 5 July 1999, and adopted at the 749th meeting, held on 12 October 2001 (CRC/C/SR.749), the following concluding observations.

A. Introduction

2. The Committee notes that the initial State party report was prepared according to the Committee's guidelines for reporting. It notes the timely submission of the informative written answers. The Committee further notes with appreciation the presence of a high-level and cross-sectoral delegation, which contributed to a frank and open dialogue.

B. Positive aspects

3. The Committee notes that the consideration of the initial report of Oman marked the first occasion that the State party had appeared before a human rights treaty body.

4. The Committee appreciates that the State party has achieved most of the goals of the World Summit for Children, including reductions in infant and under-5 mortality, an annual immunization rate of almost 98 per cent, high primary and secondary school enrolment, and near parity in school enrolment between girls and boys.

5. The Committee notes the high level of commitment to health care, as evidenced by its having been ranked eighth in the world for its overall health system performance (WHO, World Health Report 2000). It welcomes information on salt iodization and flour fortification programmes, pre-marriage screening for HIV/AIDS and congenital diseases, and the introduction of the Integrated Management of Childhood Illness (IMCI) strategy.

6. The Committee welcomes:

(a) The introduction of basic education reform, which includes the adoption of a child-centred approach to learning;

(b) The State party's ratification of the ILO Worst Forms of Child Labour Convention, 1999 (No. 182); and

(c) The introduction of the new system for reporting child abuse and neglect.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee acknowledges that sparse settlement patterns, especially in rural and remote regions of the country, may be factors impeding the implementation of some provisions of the Convention.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Reservation

8. The Committee welcomes information that the State party is re-examining its reservations to articles 7, 9, 21 and 30 of the Convention. While noting difficulties that the State party may have, the Committee is nevertheless concerned that its reservation to article 14 is not included in this re-examination.

9. **The Committee recommends that the State party:**

(a) Expeditiously complete its re-examination of its reservations to articles 7, 9, 21 and 30 of the Convention with a view to withdrawing them in accordance with the Vienna Declaration and Plan of Action of the World Conference on Human Rights (1993);

(b) Study its reservation to article 14 with a view to narrowing it, taking account of the Human Rights Committee's general comment No. 22 on freedom of thought, conscience and religion.

Legislation

10. While noting various legislative measures already taken or proposed with respect to child rights (e.g. 1999 Civil Status Law, 1999 Criminal Procedure Law, draft Juveniles Law), the Committee is concerned that they do not sufficiently reflect a comprehensive rights-based approach to the implementation of the Convention.

11. **The Committee recommends that the State party:**

(a) Undertake a comprehensive review of existing legislation from a rights-based approach, to ensure its conformity with the principles and provisions of the Convention; and

(b) Consider the adoption of a comprehensive children's code, which would incorporate the principles and provisions of the Convention.

Coordination

12. The Committee welcomes information that the Omani Child Rights Committee, under the National Committee for Child Care (NCCC), has been reactivated with the aim of improving the implementation of the Convention. However, it is concerned at the lack of a comprehensive plan of action to implement the Convention.

13. **The Committee recommends that the State party:**

(a) Pursue the preparation and development of a comprehensive rights-based national plan of action for the implementation of the Convention, through an open, consultative and participatory process; and

(b) Ensure that the NCCC, particularly the Child Rights Committee, is provided with adequate human and financial resources.

Cooperation with civil society

14. Noting good cooperation in the development and welfare sectors between the Government and national associations, bilateral aid agencies, international organizations and NGOs, the Committee is concerned that insufficient efforts have been made to involve civil society, particularly in the area of civil rights and freedoms, with respect to awareness-raising and in the implementation of the Convention.

15. **The Committee recommends that the State party:**

(a) Develop a systematic approach to involving civil society, especially children's associations, throughout all stages in the implementation of the Convention, in particular with respect to civil rights and freedoms; and

(b) Ensure that legislation regulating NGOs conforms to article 15 of the Convention and international standards on freedom of association, as a step in facilitating and strengthening their participation.

Data collection

16. The Committee notes that the State party has developed an efficient, nationwide system of data collection in the area of health and welcomes information that efforts are under way to establish a comprehensive database for children within an overall social database.

17. **The Committee encourages the State party:**

(a) To continue its efforts and ensure that disaggregated data are collected on all persons under 18 years for all areas covered by the Convention, including the most vulnerable groups (i.e. non-nationals, children living in remote areas, children with disabilities, children of economically disadvantaged households, etc.), and that these data are used to assess progress and design policies to implement the Convention; and

(b) To seek technical assistance from, among others, UNICEF.

Monitoring structures

18. The Committee is concerned at the absence of an independent mechanism with a mandate regularly to monitor and evaluate progress in the implementation of the Convention and which is empowered to receive and address complaints.

19. **The Committee recommends that the State party:**

(a) Establish an independent national human rights institution in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134) to monitor and evaluate progress in the implementation of the Convention at the national and at the local levels. This institution should be accessible to children and empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner and to address them effectively; and

(b) Seek technical assistance from, among others, OHCHR and UNICEF.

Resource allocation

20. The Committee notes significant investment in and increased budgetary allocations for health, education and other parts of the social sector, and welcomes information that the State party's budget categorization system will be modified so that allocations for children may be more easily ascertained.

21. **The Committee recommends that the State party:**

(a) Continue and strengthen its efforts to allocate available resources - human and financial - to the maximum extent to health, education, culture and other social services;

(b) Undertake similar efforts to ensure full implementation of the Convention; and

(c) Systematically assess the impact of budgetary allocations on the implementation of child rights.

Training/dissemination of the Convention

22. The Committee is concerned that awareness of the Convention amongst professionals working with and for children and the general public, including children themselves, remains low. The Committee is concerned that the State party is not undertaking adequate dissemination, awareness-raising and training activities in a systematic and targeted manner.

23. **The Committee recommends that the State party:**

(a) Develop an ongoing programme for the dissemination of information on the Convention and its implementation among children and parents, civil society, all sectors and levels of government and the Council of Oman, including initiatives to reach those vulnerable groups who are illiterate or without formal education;

(b) Develop systematic and ongoing human rights training programmes, that include children's rights for all professional groups working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers and health personnel); and

(c) Seek assistance from, among others, OHCHR and UNICEF.

2. General principles

Non-discrimination

24. Noting significant achievements with regard to the status of women, the Committee is nevertheless concerned that discrimination contrary to article 2 of the Convention persists in the State party. In particular, the Committee is concerned about discrimination against females and children born out of wedlock under the 1997 Personal Status Law and that, according to the 1999 Civil Status Law, a birth out of wedlock is indicated in the birth register.

25. **In accordance with article 2 of the Convention, the Committee recommends that the State party:**

(a) Undertake all possible measures to reconcile fundamental human rights with Islamic texts;

(b) Take effective measures, including enacting or rescinding legislation where necessary, to prevent and eliminate discrimination on grounds of sex and birth in all fields of civil, economic, political, social and cultural life;

(c) Take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family; and

(d) Train members of the legal profession, especially the judiciary, to be gender-sensitive. Religious leaders should be mobilized to support such efforts.

26. The Committee is concerned at the disparities in the enjoyment of economic and social rights, particularly the rights to health and education, experienced by non-national children and children living in rural areas, such as al-Wusta.

27. **The Committee recommends that the State party:**

(a) Take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2;

(b) Continue to prioritize and target resources and social services for children belonging to the most vulnerable groups, especially in areas which lack basic services; and

(c) Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

28. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of the Committee's general comment No. 1 on article 29.1 of the Convention on the aims of education.**

Best interests of the child

29. The Committee is concerned that in actions concerning children, the general principle of the best interests of the child contained in article 3 of the Convention is not always a primary consideration, such as in matters relating to family law.

30. **The Committee recommends that the State party review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein and that this principle is taken into account when administrative, policy, court or other decisions are made.**

Respect for the views of the child

31. **The Committee is concerned that traditional attitudes towards children in society may limit respect for their views, especially within the family and schools.**

32. **The Committee recommends that the State party:**

(a) Continue to promote and facilitate within the family, the school, institutions, the courts and administrative bodies respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention;

(b) Develop skills-training programmes in community settings for parents, teachers, social workers and local officials so that they can learn how to help children to express their informed views and opinions and to take those views into consideration; and

(c) Seek assistance from, among others, UNICEF.

4. Civil rights and freedoms

Nationality

33. The Committee is concerned that the Nationality Law does not grant citizenship to children of Omani women married to non-nationals, as it does where the father is Omani.

34. **The Committee recommends that the State party ensure the right of all children to a nationality, without discrimination on the grounds of either parent's sex, in accordance with articles 2 and 7 of the Convention.**

5. Family environment and alternative care

Violence/abuse/neglect/maltreatment

35. The Committee welcomes the introduction of the new system for reporting incidents of child abuse and neglect and the establishment of the Family Counselling and Guidance Department. However, the Committee remains concerned that there is insufficient information and awareness in Oman of the ill-treatment and abuse of children within the family and institutions.

36. **The Committee recommends that the State party:**

(a) Conduct a study to assess the nature and extent of ill-treatment and abuse of children, and design policies and programmes to address it;

(b) Take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family and in institutions;

(c) Carry out public education campaigns about the negative consequences of ill-treatment of children, and promote positive, non-violent forms of discipline as an alternative to corporal punishment;

(d) Ensure that the new reporting system can effectively receive, monitor and investigate complaints, and that the authorities can intervene where necessary;

(e) Investigate and prosecute cases of ill-treatment, ensuring that the abused child is not further victimized in legal proceedings and that his/her privacy is protected;

(f) Provide care, recovery and reintegration for victims;

(g) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of ill-treatment cases; and

(h) Seek assistance from, among others, UNICEF and WHO.

6. Basic health and welfare

Right to health and health care

37. Noting significant achievements in the reduction of infant and child mortality, and the high levels of immunization coverage, the Committee is concerned that:

(a) Malnutrition affects about 25 per cent of children under 5;

(b) Thirty per cent of pregnant women and 20 per cent of children under 5 still suffer from anaemia;

(c) Thirty-nine per cent of breastfeeding mothers have vitamin A deficiency; and

(d) Ten per cent of school-age children suffer from mild to moderate iodine deficiency disorders.

38. **The Committee recommends that the State party:**

(a) Make greater efforts to address these issues through continued allocation of the required resources;

(b) Strengthen health and nutrition education such as through public-information campaigns and its inclusion in the curricula; and

(c) Seek assistance from UNICEF and WHO.

Adolescent health

39. The Committee is concerned that insufficient information is available in relation to adolescent health, such as access to reproductive health services and mental health counselling services.

40. **The Committee recommends that the State party:**

(a) Ensure that adolescents have access to and are provided with education on reproductive health and other adolescent health issues, including mental health, as well as with child-sensitive and confidential counselling services;

(b) Strengthen efforts in the area of adolescent health education within the educational system; and

(c) Seek assistance from, among others, UNICEF and WHO.

Children with disabilities

41. The Committee welcomes information that a national committee on disability has been formed, a new medical and social care unit under the Centre for Care and Rehabilitation of the Disabled has been established to cater for the needs of severely disabled children, and that three new Al-Wafa Social Centres for Disabled Children have been established. However, the Committee is concerned that children with disabilities, in general, have inadequate access to specialized services and education, and that there is insufficient support for families.

42. **The Committee recommends that the State party:**

(a) Conduct a survey to assess the causes and extent of disability among children;

(b) Review existing policies and practice in relation to children with disabilities, taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on "Children with disabilities" (see CRC/C/69);

(c) Involve children with disabilities and their families in the development of surveys and policy review;

(d) Undertake greater efforts to make available the necessary professional and financial resources;

(e) Undertake greater efforts to promote and expand community-based rehabilitation programmes, including parent support groups, and inclusive education of children with all forms of disability; and

(f) Seek assistance from, among others, UNICEF and WHO.

7. Education, leisure and cultural activities

Education

43. Noting significant improvements in education indicators, the Committee is concerned: that primary education is not compulsory; at levels of drop-out and repetition at primary, preparatory and secondary education levels, especially among boys; and at the quality of teaching as a result of rapid Omanization in this sector.

44. **The Committee recommends that the State party:**

(a) Ensure that primary education is made compulsory by law;

(b) Make greater efforts to address drop-out and repetition rates; and

(c) Allocate the required resources to address the quality of teacher training.

45. The Committee is concerned that human rights education, including about the Convention, is not included in the school curricula.

46. **The Committee recommends that the State party, taking into account the Committee's general comment No. 1 on the aims of education:**

(a) Include human rights education, including about children's rights, in the curricula, particularly with respect to the development of and respect for human rights, tolerance and equality of the sexes and religious and ethnic minorities; and

(b) Seek assistance from UNICEF and UNESCO.

47. Noting that the Organizational Statutes of the General Education Schools ban corporal punishment, the Committee remains concerned that this issue is not effectively addressed.

48. **The Committee recommends that the State party raise awareness of the negative impact of corporal punishment among teachers and other professionals working in schools, and take other appropriate measures for its prevention and elimination.**

8. Special measures of protection

Economic exploitation

49. The Committee welcomes the State party's ratification of the ILO Worst Forms of Child Labour Convention, 1999 (No. 182). It further welcomes information that Oman has introduced policies embodied in this convention as well as ILO Recommendation No. 190, and that it is conducting a review of legislation with a view to raising the minimum age of employment from 13 to 16 years. However, the Committee is concerned about the lack of information on child labour within the agricultural and domestic service sectors.

50. **The Committee recommends that the State party:**

(a) Undertake a national survey on the causes, extent and impact of child labour;

(b) Implement the ILO Minimum Age Recommendation, 1973 (No. 146) and the Worst Forms of Child Labour Recommendation, 1999 (No. 190);

(c) Consider ratifying the ILO Minimum Age Convention, 1973 (No. 138); and

(d) Seek assistance from, among others, the ILO.

Camel racing

51. The Committee is seriously concerned at the hazardous situation of children involved in camel racing. In particular it is concerned that sometimes very young children are involved and that such involvement produces serious injuries, even fatalities. It concurs with the ILO Committee of Experts on the Application of Conventions and Recommendations which has previously indicated that the employment of children as camel jockeys constitutes dangerous work under article 3(1) of ILO Convention No. 138.

52. **In accordance with article 32 of the Convention and ILO Convention No. 182, which the State party has ratified, the Committee recommends that the State party:**

(a) Take immediate and effective steps to ensure the implementation of article 32 of the Convention and ILO Convention No. 182, taking into account ILO Recommendation No. 190;

(b) Undertake efforts to develop a regional initiative in this regard, including bilateral and multilateral cooperation; and

(c) Seek assistance from the ILO.

Administration of juvenile justice

53. Noting the draft Juveniles Law, the Committee is concerned that insufficient efforts have been made to secure its speedy adoption.

54. **The Committee recommends that the State party:**

(a) Establish a minimum age of criminal responsibility in accordance with the principles and provisions of the Convention;

(b) Ensure that a system of juvenile justice fully integrates into its legislation and practice the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System;

(c) Expedite the promulgation of the draft Juveniles Law and ensure that adequate resources are allocated for its effective implementation;

(d) Ensure that the deprivation of liberty is only used as a measure of last resort, for the shortest possible time, is authorized by the court, and that persons under 18 are not detained with adults;

(e) Ensure that children have access to legal aid and independent and effective complaints mechanisms;

(f) Consider alternative measures to deprivation of liberty, such as probation, community service or suspended sentences;

(g) Train professionals in the area of rehabilitation and social reintegration of children; and

(h) Seek assistance from, among others, OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

9. Optional protocols

55. **The Committee encourages the State party to ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.**

10. Dissemination of documents

56. **Finally, the Committee recommends that in accordance with article 44, paragraph 6, of the Convention, the initial report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion, and the concluding observations adopted by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the parliament and the general public, including concerned non-governmental organizations.**

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COMMITTEE ON THE RIGHTS OF THE CHILD

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Portugal

1. The Committee considered the second periodic report of Portugal (CRC/C/65/Add.11) at its 731st to 732nd meetings (see CRC/C/SR.731-732), held on 1 October 2001, and adopted at the 749th meeting (CRC/C/SR.749), held on 12 October 2001, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's second periodic report and the very useful written replies to its list of issues (CRC/C/Q/POR/2). The Committee notes the very constructive dialogue it had with the cross-sectoral delegation of the State party.

B. Positive factors

3. The Committee welcomes the substantial changes in various fields of legislation. Among others, the administration of juvenile justice now allows for children and young people between 12 and 16 in a situation of risk to be treated separately from those involved in criminal activities. In this context, the social welfare and security system has undergone changes that target children and parents at risk and living in poverty. The Committee also welcomes the establishment of a pre-school system, the raising of the minimum age of military service to 18 and adoption of the Law 15/98 increasing the protection of asylum-seekers.

4. The Committee notes that the State party has satisfied a number of international human rights instruments relevant to the rights of the child, including the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, the 1973 ILO Convention No. 138 concerning the Minimum Age for Admission to Employment and the 1999 ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

5. The Committee welcomes the progress registered by the State party in implementing the Convention through numerous comprehensive policies.

C. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation

National strategy for the implementation of the Convention

6. The Committee is concerned at the lack of a comprehensive national strategy on the implementation of the Convention.

7. **The Committee recommends that the State party:**

(a) Develop a comprehensive national strategy for the implementation of the Convention;

(b) Set priorities and define a time frame for implementation;

(c) Define what human, financial and technical resources are necessary for the strategy's implementation and allocate them.

Coordination

8. Noting the Committee's 1995 concluding observations (CRC/C/15/Add.45) on the State party's initial report (CRC/C/3/Add.30) and the existence of the National Commission for the Protection of Children and Youth at Risk and the District-Level Commissions, the Committee, is most concerned that there is still no structure for national coordination of the implementation of the Convention with regard to all children, as was recommended in 1995.

9. **The Committee again recommends that:**

(a) The State party define a structure for the coordination of the implementation of the Convention for all children in the State party;

(b) Particular attention be given to coordination at the ministerial level;

(c) Efforts be made to continue to ensure the participation of civil society, including NGOs, in the implementation of the Convention.

Allocation of resources

10. The Committee notes a trend of increasing resources being allocated to the education, health and social welfare sectors and the significant participation of civil society, including NGOs, in the provision of such services. However, the Committee remains concerned that there is no information indicating that priority is given to the implementation of children's social rights in the budgets of the State party at national, regional and local levels.

11. **With a view to achieving full application of article 4 and to eradicate poverty, the Committee urges the State party to consider ways in which respect can be guaranteed for the rights of all children including children from disadvantaged backgrounds and from isolated communities, in particular in the sectors of health, education and other social welfare services and in conformity with article 2.**

Data collection

12. The Committee recognizes that the State party collects useful data in the fields of, inter alia, education and health, but notes:

(a) That in many areas the data collected do not cover all ages of children; for example, data with regard to children with disabilities are provided only up to age 15;

(b) A lack of, or insufficient, data with regard to some areas of the Convention, for example, data on abortions, substance abuse and child abuse and neglect, including sexual abuse and exploitation;

(c) That the data collected are used to a sufficient degree in developing, strengthening and monitoring policies and programmes for the implementation of the Convention.

13. **The Committee recommends that the State party:**

(a) Further develop its existing data collection mechanisms with a view to creating an effective system for collecting data covering all areas of relevance to the Convention;

(b) Ensure that data collection covers the entire and specific period of childhood up to age 18, and all areas relating to the rights under the Convention;

(c) Ensure that data are disaggregated including, as relevant, by gender, age, minority group and rural or urban residence;

(d) Strengthen the use of data to improve the development, implementation and monitoring of programmes and policies to implement the Convention.

International cooperation

14. The Committee notes that the State party's contribution to international cooperation was 0.26 per cent of GNP in 1999, and that the United Nations recommended target for development aid by States is 0.7 per cent of GNP.

15. **The Committee recommends that the State party progressively increase its contributions to international cooperation in accordance with United Nations targets, giving particular attention to children's rights.**

Cooperation with civil society

16. The Committee notes the State party's close cooperation with civil society with regard to children's rights.

17. **The Committee encourages the State party:**

(a) To continue and strengthen its positive cooperation with civil society, including NGOs, in the context of the implementation of the Convention;

(b) To encourage NGOs to adopt a rights-based approach to children.

2. General principles

18. The Committee welcomes the State party's holistic approach to implementation of the general principles with regard to children's rights.

Non-discrimination

19. The Committee notes the numerous efforts initiated by the State party to address discrimination, including the development of mechanisms, the conduct of surveys and the implementation of policies. The Committee is concerned, however, with regard to de facto discrimination in the context of children and families living in poverty in less developed rural and urban areas and against the Roma and their children in particular.

20. **The Committee recommends that the State party continue and strengthen its efforts to ensure equal respect for the right to non-discrimination of all children, giving particular attention to children and their families living in poverty, in particular Roma children and children living in less developed areas.**

21. The Committee requests that specific information be included in the next periodic report, on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and taking account of the Committee's general comment No. 1 on article 29 (1) of the Convention on the aims of education.

Respect for the opinions of the child and child participation

22. The Committee notes the State party's ongoing efforts to ensure child participation and welcomes the fact that the age at which a child's opinions must be heard in administrative and judicial proceedings affecting the child has been defined under relevant legislation and taken into consideration in accordance with the age and maturity of the child. The Committee notes, in addition, ongoing efforts to address concerns regarding cultural conceptions of the value of a child's opinion within schools and society (see paragraph 123 of the State party's report) and in decision-making at national and local levels in matters affecting children.

23. **In the light of article 12, the Committee encourages the State party to continue to enhance child participation and respect for the opinions of the child, including at national and local levels and in accordance with the age and maturity of the child.**

Survival and development

24. The Committee joins the State party in expressing concern at the extremely high number of accidents, including road accidents, of which children are victims.

25. **The Committee recommends that the State party, taking into account the conclusions of its Working Group for the Prevention of Accidents, promote initiatives with a view to diminishing the number and consequences of accidents involving children through, inter alia, legislation, standardization of toys and child care articles and the training of relevant professionals and of families with children in the prevention of accidents.**

3. Civil rights and freedoms

Corporal punishment

26. Noting its 1995 concluding observations, the Committee is concerned that corporal punishment continues to be practised within the family, there is a lack of legislation prohibiting such punishment, and that insufficient measures have been adopted to prevent corporal punishment in this context.

27. **The Committee recommends that the State party:**

(a) Adopt legislation prohibiting corporal punishment in the family and in any other contexts not covered by existing legislation;

(b) Develop mechanisms to end the practice of corporal punishment, including the use of information campaigns targeting parents, teachers and children;

(c) Promote positive, participatory, non-violent forms of discipline as an alternative to corporal punishment at all levels of society;

(d) Develop mandatory reporting systems for professionals working with children who detect the use of corporal punishment in the family.

4. Family environment and alternative care

Family environment

28. The Committee welcomes the State party's decision to develop a global plan on family policy, including changes to social welfare and social security and means-tested coverage with particular provisions for families and children and including those persons not paying contributions to the social security system. The Committee also welcomes the definition, in the National Plan of Action against Poverty and Social Exclusion of child protection priorities including the provision of support measures for families in order to enable them to fulfil their parental responsibilities. Nevertheless, the Committee remains concerned:

(a) That poverty, poor housing, unemployment, non-contractual work and the high incidence of alcoholism among parents in many families have a negative impact on respect for children's rights;

(b) At the lack of sufficient free pre-school care services, complicating an already difficult situation for poor families.

29. **The Committee recommends that the State party make every effort, to the maximum extent of available resources, to support families in their child-rearing responsibilities and to ensure the protection of the rights of all children in the context of the family environment.**

Abuse and neglect, including sexual abuse and sexual exploitation

30. The Committee notes the State party's recent initiative to develop mechanisms allowing doctors, teachers and other relevant professionals to lodge complaints of alleged sexual abuse or exploitation of children (Law 99 of 25 August 2001).

31. **The Committee recommends that the State party:**

(a) Strengthen the monitoring of and collection of data on cases of abuse and neglect of children;

(b) Make it mandatory for professionals to report to an appropriate body cases of abuse, including sexual abuse, and ensure the provision of appropriate training and adequate protection for professionals called upon to make such reports;

(c) Ensure the provision of rehabilitation assistance to child victims of abuse.

Alternative care

32. The Committee is concerned:

(a) At the continuing emphasis placed on the institutionalization of children deprived of a family environment (see, in particular, paragraph 89 of the State party's report);

(b) That review of the placement of children in alternative care is inadequate (see paragraph 206 of the State Party's report).

33. **The Committee recommends that the State party:**

(a) Place emphasis on foster care, including by providing adequate financial support and advice to foster families;

(b) Develop deinstitutionalization policies and continue its efforts to reduce the incidence of institutionalization of children;

(c) Strengthen its review of the placement of children in alternative care, ensuring that it is conducted regularly and frequently and takes into consideration the views and best interests of the child.

5. Basic health and welfare

34. The Committee welcomes the progress made in recent years in reducing the child mortality rate and also welcomes the combining, within the State party's primary health care, of private and public health care provision at a very small charge, and the hospital services offered at two levels. The Committee is concerned, however, that:

(a) Infant mortality, under-5 mortality and child tuberculosis rates remain higher than the regional average, particularly in some northern rural areas, and are also too high in the Azores;

(b) The public health care system, including mental health care services, in the State party requires strengthening and that there is insufficient access to primary health care facilities in some parts of the country;

(c) The State party's health expenditure is notably lower that that of other countries in the region and that this negatively affects respect for children's right to health care.

35. **The Committee recommends that the State party:**

(a) Increase investment in public health care facilities, including investments by civil society;

(b) Ensure the equal access of all children to the highest attainable standard of health care in all areas of the country.

Children with disabilities

36. The Committee welcomes the State party's emphasis on the integration of children with disabilities into mainstream education. However, the Committee remains concerned that resources for the special education of children with disabilities are unevenly distributed across the country, with a particular concentration in Lisbon limiting the access of some children to these facilities.

37. **The Committee recommends that the State party:**

(a) Continue and strengthen its efforts to ensure the integration of children with disabilities into regular schools;

(b) Review the distribution of resources for the special education of children with disabilities, with a view to ensuring that all children and their families in need of such services have easy access to them.

Adolescent health

38. Noting the establishment of a network functioning in cooperation with the Ministries of Health and Education toward education on adolescent health, the Committee remains concerned that the incidence of teenage pregnancies remains high and at the absence of data on abortions.

39. **The Committee recommends that the State party:**

(a) Take steps to address adolescent health concerns, including teenage pregnancy and sexually transmitted diseases, through, inter alia, sex education, including about birth control measures such as the use of condoms;

(b) Strengthen its mental health and counselling services, ensuring that these are accessible and sensitive to adolescents.

HIV/AIDS

40. Noting the launching of the State party's Health Education Programme to address, inter alia, HIV/AIDS, the Committee remains concerned at the incidence of HIV transmission, including mother-to-child transmission, and at the high incidence of AIDS (10.4 cases per 100,000) in the State party.

41. **The Committee recommends that the State party:**

(a) Continue to strengthen its HIV/AIDS prevention programmes, including safe sex education programmes;

(b) Increase interventions at primary health-care level aimed at limiting mother-to-child transmission of HIV.

6. Education, leisure and cultural activities

42. The Committee notes the significant progress made in increasing the number of children completing secondary education and the implementation of the Programme of Extension and Development of Pre-Primary Education and the "social school action programme". The Committee remains concerned at:

(a) The low levels of investment in education, including pre-school education;

(b) The low enrolment in pre-school education.

(c) The relatively high drop-out and repetition rates in primary and secondary schools, with only 32 per cent of children completing primary school without having repeated a class and a drop-out rate of 22.9 per cent at the ninth grade level;

(d) The limited use of information technology in schools;

(e) The relatively low numbers of children going on to tertiary education from secondary school, with a sharp disparity between males (42 per cent) and females (57 per cent).

43. **The Committee recommends that the State party:**

(a) Increase its investment in education;

(b) Study the causes of high drop-out and repetition rates;

(c) Introduce policies to address the causes of low enrolment in pre-school education;

(d) Continue its efforts to increase the number of children completing secondary education;

(e) Take steps to reduce drop-out rates and to implement its planned reform of secondary education;

(f) Increase the use of information technology in schools;

(g) Take steps to raise the number of persons going on to higher education, giving due attention to reducing gender disparities;

(h) Continue and strengthen efforts to ensure that all teachers benefit from professional training;

(i) Provide particular support to low-income families with a view to increasing the enrolment levels of their children in educational facilities;

(j) Strengthen efforts towards the implementation of the human rights plan of action, including children's right to education, in the light of the Committee's general comment No. 1 on the aims of education.

Leisure

44. The Committee notes the programmes "Support to Youth Associations" and "Initiative" and the promotion of sports activities in schools. The Committee expresses concern that:

(a) Sports activities receive insufficient financial support;

(b) The number of children taking part in sports activities in the State party is much lower than in other countries in the region, particularly for adolescents.

45. **The Committee recommends that the State party:**

(a) Increase its investments in physical activities for students in schools;

(b) Take additional steps to promote and support sports and other leisure activities for children, giving particular attention to children living outside the main urban regions.

7. Special protection measures

Refugees

46. Noting the assistance provided by the State party to refugees, the Committee remains concerned that:

(a) There is no specific refugee status determination procedure for minor asylum-seekers;

(b) Minors do not always have access to psychological care when needed.

47. **The Committee recommends that the State party:**

(a) Develop a refugee status determination procedure for minor asylum-seekers;

(b) Introduce mechanisms providing minors with access to psychological care;

(c) Ensure full implementation of all the provisions of the Asylum Law 15/98.

Street children

48. In the light of its 1995 concluding observations, the Committee remains concerned at the number of street children in the State party's main cities.

49. **The Committee recommends that the State party:**

(a) Study the causes of children living on the street and the scope of the problem;

(b) Develop and implement a comprehensive policy to address the causes of children living on the streets, including through assistance to families and efforts to address concerns with regard to adequate housing and access to education;

(c) Strengthen its assistance to children currently living on the street, including with regard to health and education services, food and housing, drug abuse treatment and counselling;

(d) Ensure that street children are informed of their rights and strengthen children's participation in achieving respect for them.

Substance abuse

50. The Committee notes the "National Strategy in the Fight Against Drugs", but remains concerned at the lack of data on substance and alcohol abuse and smoking.

51. **The Committee recommends that the State party:**

(a) Continue its efforts to prevent substance abuse by children, including through the prohibition of the sale of such substances to children and through addressing factors leading to vulnerability;

(b) Study the interrelationship between accidents and substance abuse and take prevention and law enforcement measures in this regard;

(c) Pursue its efforts to use information campaigns to alert children and adults to the risks of substance abuse, and that the child victims of substance abuse be provided with appropriate care, rehabilitation and assistance.

Juvenile justice

52. The Committee welcomes the State party's implementation of the Committee's 1995 recommendations with regard to reform of the juvenile justice system and the social welfare and security systems. However, the Committee remains concerned that:

(a) Children over 16 may not receive the full benefit of relevant protections in the context of juvenile justice proceedings for criminal acts (see, for example, paragraphs 473 and 501 of the State party's report);

(b) Juvenile justice reforms have not been fully implemented;

(c) Data are insufficient with regard to the placement of children with other families or in institutions.

53. **The Committee recommends that the State party:**

(a) Continue its efforts to fully implement juvenile justice reform;

(b) Ensure that the reform process is conducted with a view to ensuring, for all children, full compliance with international standards, in particular articles 37, 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines);

(c) Ensure, in particular, that children aged 16 and over benefit from full protection of their rights in the context of juvenile justice proceedings.

Minorities

54. Noting the State party's policies targeting the specific needs of children of some minorities, the Committee remains concerned at the difficult social situation of Roma children and their insufficient access to the education system.

55. **The Committee strongly urges the State party to:**

(a) To take measures to improve and implement more effectively existing legislation and policies with regard to ensuring protection of the rights of all children of minority groups, giving particular attention to the situation of Roma children;

(b) Continue to ensure the participation of minorities, including children, in implementing these policies.

8. Optional Protocols

56. The Committee notes the State party's intention, as declared during the dialogue, to proceed with ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and to adopt relevant domestic legislation.

57. **The Committee recommends that the State party also proceed with the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts.**

9. Dissemination of documents

58. Noting the limited dissemination of the State party's initial report, the Committee hopes that the State party's second periodic report will be widely disseminated within the State party.

59. **In light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies to the list of questions submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within all levels of administration of the State party and the general public, including concerned non-governmental organizations.**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Qatar

1. At its 733rd and 734th meetings (see CRC/C/SR.733 and 734), held on 2 October 2001, the Committee on the Rights of the Child considered the initial report of Qatar (CRC/C/51/Add.5), which was received on 29 October 1999, and adopted, at the 749th meeting (CRC/C/SR.749) held on 12 October 2001, the following concluding observations.

A. Introduction

2. The Committee notes that the initial State party report was prepared according to the Committee's guidelines for reporting. It notes the timely submission of the informative written answers. The Committee further notes with appreciation the presence of a high-level and cross-sectoral delegation, which contributed to a frank and open dialogue and a better understanding of the process of implementation of the Convention.

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B. Positive aspects

3. The Committee welcomes the adoption of Law No. 25 of 2001 concerning free and compulsory education for all children in the State party.

4. The Committee welcomes the establishment of the Supreme Council of Family Affairs.

5. The Committee welcomes the establishment of the national programme for the dissemination of the Convention.

6. The Committee welcomes new initiatives undertaken by the State party, such as the programme to develop kindergartens, and the launch of a road safety campaign.

7. The Committee welcomes the State party's ratification of the ILO Worst Forms of Child Labour Convention, 1999 (No. 182).

8. The Committee notes with appreciation the generous financial aid given to developing countries.

C. Factors and difficulties impeding the implementation of the Convention

9. Noting the universal values of equality and tolerance inherent in Islam, the Committee observes that in the State party narrow interpretations of Islamic texts, particularly in areas relating to personal status law, may impede the enjoyment of some human rights protected under the Convention.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Reservation

10. The Committee welcomes information that the State party is re-examining its reservation to the Convention with a view to amending or withdrawing it. The Committee is concerned that the broad and imprecise nature of the State party's general reservation potentially negates many of the Conventions provisions and raises concern as to its compatibility with the object and purpose of the Convention, as well as the overall implementation of the Convention.

11. **The Committee encourages the State party to expeditiously complete its re-examination of its reservation with a view to narrowing and ultimately withdrawing it, in accordance with the Vienna Declaration and Plan of Action of the World Conference on Human Rights (1993).**

Legislation

12. The Committee notes the draft Children's Bill; however, it is concerned that several rights contained in the Convention (such as non-discrimination, article 2) are not adequately reflected in domestic law.

13. **The Committee recommends that the State party:**

(a) Conduct a comprehensive review of its domestic laws, including administrative regulations and legal procedural rules, to ensure that they conform to international human rights standards, including the Convention;

(b) Ensure the speedy promulgation of legislation relating to child rights and its effective implementation; and

(c) Ensure that laws are sufficiently clear and precise, are published, and are accessible to the public.

Coordination

14. The Committee notes that the Supreme Council for Family Affairs is the lead body in Qatar entrusted with the implementation of the Convention, which it endeavours to accomplish through its various voluntary committees (e.g. the Committee on Maternity and the Child, the Women's Affairs Committee, etc.). However, the Committee is concerned that its approach to the Convention is not sufficiently rights based, and therefore the effectiveness of these committees in the full implementation of the Convention is limited. Moreover, the Committee notes that Qatar's National Report on the Follow-up to the World Summit for Children indicated that over bureacratization and a poor level of inter-organizational communication have contributed to a duplication of programmes, the wasting of resources, and an inability to learn from the experiences gained by other institutions.

15. **The Committee recommends that the State party:**

(a) Ensure that the preparation and implementation of its next 10-year national strategy and national plan of action for children, including the implementation of the Convention, is comprehensive, human rights-based and undertaken through an open, consultative and participatory process; and

(b) Give greater attention to intersectoral coordination and cooperation at and between national and local levels of government.

Cooperation with civil society

16. Noting the establishment of the Committee for Coordination between Government Agencies and Non-Governmental Associations, the Committee is concerned that insufficient efforts have been made to involve civil society in the implementation of the Convention, particularly in the area of civil rights and freedoms.

17. **The Committee recommends that the State party:**

(a) Consider a systematic approach to involving civil society, especially children's associations, throughout all stages of the implementation of the Convention, including with respect to civil rights and freedoms; and

(b) Ensure that legislation regulating NGOs conforms to article 15 of the Convention and other international standards on freedom of association, as a step in facilitating and strengthening their participation.

Data collection

18. The Committee welcomes information that the Planning Council is working to create an integrated database on the family.

19. **The Committee encourages the State party:**

(a) To continue its efforts to establish a system such that disaggregated data are collected on all persons under 18 years of age for all areas covered by the Convention, including the most vulnerable groups (i.e. non-nationals, children living in remote areas, children with disabilities, children of economically disadvantaged households, etc.), and to use these data to assess progress and design policies to implement the Convention; and

(b) To seek technical assistance from, among others, UNICEF.

Monitoring structures

20. The Committee notes information from the delegation concerning the establishment of a telephone "safety-line" for children.

21. **The Committee encourages the State party to develop and strengthen this service for children at risk.**

22. The Committee is concerned at the absence of an independent mechanism with a mandate to monitor and evaluate regularly progress in the implementation of the Convention and to receive and address complaints.

23. **The Committee recommends that the State party:**

(a) Establish an independent national human rights institution in accordance with the Paris Principles relating to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134) to monitor and evaluate progress in the implementation of the Convention at the national and local levels. This institution should be accessible to children and empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner and to address them effectively; and

(b) Seek technical assistance from, among others, OHCHR and UNICEF.

Resource allocation

24. The Committee notes significant investment in and increased budgetary allocation for health, education and other parts of the social sector.

25. **The Committee recommends that the State party:**

(a) Continue and strengthen its efforts to allocate the maximum available resources - human and financial - to health, education, culture and other social services;

(b) Undertake similar efforts to ensure full implementation of the Convention; and

(c) Systematically assess the impact of budgetary allocations on the implementation of child rights.

Training/dissemination of the Convention

26. The Committee welcomes the establishment of the national programme for the dissemination of the Convention. However, it is concerned that awareness of the Convention amongst professionals working with and for children and the general public, including children themselves, remains low. The Committee is concerned that the State party is not undertaking adequate dissemination, awareness-raising and training activities in a systematic and targeted manner.

27. **The Committee recommends that the State party:**

(a) Strengthen, expand and continue its programme for the dissemination of information on the Convention and its implementation among children and parents, civil society, and all sectors and levels of government, including initiatives to reach those vulnerable groups who are illiterate or without formal education;

(b) Develop systematic and ongoing training programmes on human rights, including children's rights, for all professional groups working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers and health personnel); and

(c) Seek assistance from, among others, OHCHR and UNICEF.

2. Definition of the child

28. The Committee is concerned that the minimum ages for marriage and employment are unclear under Qatari law.

29. **The Committee recommends that the State party review its legislation so that the minimum-age requirements for marriage and employment conform to the principles and provisions of the Convention, are gender neutral and are explicit, and ensure that they are enforced by law.**

3. General principles

Non-discrimination

30. Noting the significant achievements in the improvement in the status of women in Qatar, the Committee is nevertheless concerned that discrimination, contrary to article 2 of the Convention, persists in the State party. In particular, the Committee is concerned about discrimination against females and children born out of wedlock under existing personal status law (e.g. in inheritance, custody and guardianship).

31. **In accordance with article 2 of the Convention, the Committee recommends that the State party:**

(a) Take effective measures, including enacting or rescinding legislation where necessary, to prevent and eliminate discrimination on grounds of sex and birth in all fields of civil, economic, political, social and cultural life;

(b) Undertake all possible measures to reconcile fundamental human rights with Islamic texts;

(c) Take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family; and

(d) Train members of the legal profession, especially the judiciary, to be gender-sensitive. Religious leaders should be mobilized to support such efforts.

32. The Committee is concerned at the disparities in the enjoyment of economic and social rights, particularly the rights to health and education, experienced by children living in rural areas and non-national children.

33. **The Committee recommends that the State party:**

(a) Take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2;

(b) Continue to prioritize and target resources and social services for children belonging to the most vulnerable groups; and

(c) Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

34. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of the Committee's general comment No. 1 on article 29 (1) of the Convention on the aims of education.**

Best interests of the child

35. The Committee is concerned that in actions concerning children, such as in matters relating to family law, the general principle of the best interests of the child contained in article 3 of the Convention is not always a primary consideration.

36. **The Committee recommends that the State party review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein and that this principle is taken into account when administrative, policy, court or other decisions are made.**

Right to life

37. The Committee is seriously concerned that under the 1994 Juvenile Act there is a possibility that the death penalty or life imprisonment may be imposed for offences committed by persons when they were under 18 years old, contrary to articles 6 and 37 (a) of the Convention.

38. **The Committee strongly recommends that the State party take immediate steps to ensure that the law prohibits the imposition of the death penalty or life imprisonment for crimes committed by persons under 18.**

Respect for the views of the child

39. The Committee is concerned that traditional attitudes towards children in society may limit the respect for their views, especially within the family and schools.

40. **The Committee recommends that the State party:**

(a) Continue to promote and facilitate within the family, the school, institutions, the courts, and administrative bodies respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention;

(b) Develop skills-training programmes in community settings for parents, teachers, social workers and local officials so that they can learn how to help children to express their informed views and opinions and to take those views into consideration; and

(c) Seek assistance from, among others, UNICEF.

4. Civil rights and freedoms

Nationality

41. The Committee is concerned that the 1961 Nationality Act does not grant citizenship to children of Qatari women married to non-nationals, as it does where the father is Qatari.

42. **The Committee recommends that the State party ensure the right of a child to a nationality without discrimination on the basis of either parent's sex, in accordance with articles 2 and 7 of the Convention.**

Protection from torture and inhuman or degrading treatment or punishment

43. The Committee is seriously concerned that, contrary to article 37 (a) of the Convention, under the 1994 Juvenile Act there is a possibility that persons under 18 may be subject to judicial sanctions such as flogging.

44. **The Committee recommends that the State party take immediate steps to ensure that the law prohibits the imposition of flogging and other forms of cruel, inhuman or degrading treatment or punishment on persons who may have committed crimes when they were under 18.**

5. Family environment and alternative care

Violence/abuse/neglect/maltreatment

45. The Committee is concerned that there is insufficient information about and awareness of the ill-treatment of children within the family and institutions.

46. **The Committee recommends that the State party:**

(a) Conduct a study to assess the nature and extent of ill-treatment and abuse of children, and design policies and programmes to address it;

(b) Take legislative measures to prohibit all forms of physical and mental violence against children, including corporal punishment and sexual abuse in the family and in institutions;

(c) Carry out public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment;

(d) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervention where necessary;

(e) Investigate and prosecute cases of ill-treatment, ensuring that the abused child is not victimized in legal proceedings and that his/her privacy is protected;

(f) Provide care, recovery and reintegration for victims;

(g) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of ill-treatment cases; and

(h) Seek assistance from, among others, UNICEF and WHO.

6. Basic health and welfare

Adolescent health

47. The Committee is concerned that there is insufficient information available in relation to adolescent health and insufficient access by adolescents to reproductive and mental health counselling services.

48. **The Committee recommends that the State party:**

(a) Ensure that adolescents have access to and are provided with education on reproductive health and other adolescent health issues, as well as with child-sensitive and confidential counselling services;

(b) Strengthen efforts in the area of adolescent health education within the educational system; and

(c) Seek assistance from, among others, UNICEF and WHO.

Children with disabilities

49. The Committee notes the establishment of the National Committee for Persons with Special Needs and the drafting of the Persons with Special Needs Bill. It further notes the State party's efforts at awareness-raising and inclusion.

50. **The Committee recommends that the State party:**

(a) Review existing policies and practice in relation to children with disabilities, including draft legislation, taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on "Children with Disabilities" (see CRC/C/69);

(b) Continue to involve children with disabilities and their families in the development of surveys and policy review;

(c) Undertake greater efforts to make available the necessary professional and financial resources;

(d) Undertake greater efforts to promote and expand community-based rehabilitation programmes, including parent support groups, and inclusive education of children with all forms of disability; and

(e) Seek assistance from, among others, UNICEF and WHO.

7. Education, leisure and cultural activities

Education

51. The Committee is concerned that the aims of education presented in the report do not adequately reflect the aims outlined in article 29 of the Convention, in particular that:

(a) The system of public education continues to emphasize rote learning rather than analytical skills development and is not child-centred;

(b) The choice of some preparatory- and secondary-level programmes may be restricted for girls; and

(c) The development and respect for human rights, tolerance and equality of the sexes and religious and ethnic minorities are not explicitly part of the curricula.

52. **The Committee recommends that the State party, taking into account the Committee's general comment No. 1 on the aims of education:**

(a) Undertake a process of curriculum and teaching methodology reform - with the full participation of children - which stresses the importance of critical thinking and problem-solving skills development;

(b) Direct education to the development of the child's personality, talents and mental and physical abilities to their fullest potential;

(c) Include in the curricula, human rights education, including on children's rights, particularly with respect to the development and respect for human rights, tolerance, and equality of the sexes and religious and ethnic minorities; and

(d) Seek assistance from, among others, UNICEF and UNESCO.

53. Noting the 1993 Ministerial Decree which bans corporal punishment in schools, the Committee remains concerned that this issue is not addressed effectively.

54. **The Committee recommends that the State party raise awareness of the negative impact of corporal punishment among teachers and other professionals working in schools, and take other appropriate measures to prevent and eliminate it.**

8. Special measures of protection

Economic exploitation

55. The Committee is concerned about the lack of information on child labour within the agricultural and domestic service sectors.

56. **The Committee recommends that the State party:**

(a) Undertake a national survey on the causes, extent and impact of child labour;

(b) Implement the ILO Minimum Age Recommendation, 1973 (No. 146) and the Worst Forms of Child Labour Recommendation, 1999 (No. 190);

(c) Ratify the ILO Minimum Age Convention, 1973 (No. 138); and

(d) Seek assistance from, among others, ILO.

Camel racing

57. The Committee is seriously concerned at the hazardous situation of children involved in camel racing. In particular, it is concerned that sometimes very young children are involved; are trafficked, particularly from Africa (i.e. the Sudan) and South Asia; and are denied education and health care; and that such involvement produces serious injuries, even fatalities. It concurs with the ILO Committee of Experts on the Application of Conventions and Recommendations which has previously indicated that the employment of children as camel jockeys constitutes dangerous work under article 3 (1) of ILO Convention No. 138.

58. **The Committee recommends that the State party in accordance with article 32 of the Convention and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), which the State party has ratified:**

(a) Take immediate and effective steps to ensure the implementation of article 32 of the Convention and ILO Convention No. 182, taking into account ILO Recommendation No. 190;

(b) Implement - in compliance with all international labour standards - the recommendations of the Committee established by the Supreme Council of Family Affairs to examine the issue of children in camel racing;

(c) Continue to strengthen its efforts to undertake a regional initiative in this regard, including bilateral and multilateral cooperation; and

(d) Seek assistance from ILO.

Administration of juvenile justice

59. The Committee is concerned that persons under 18 may be prosecuted for crimes in the same manner as adults (i.e. without special procedures), and be subject to the same penalties as adults. Moreover, the Committee is concerned at the criminalization of status offences.

60. **The Committee recommends that the State party:**

(a) Establish a minimum age of criminal responsibility that is in accordance with the principles and provisions of the Convention;

(b) Ensure that its legislation and practice concerning juvenile justice fully reflect the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and the Vienna Guidelines for Action on Children in the Criminal Justice System;

(c) Expedite the promulgation of the draft juvenile justice law, ensuring that it is applicable to all persons under 18 and that adequate resources are allocated for its effective implementation;

(d) Ensure that the deprivation of liberty is only used as a measure of last resort, for the shortest possible time, is authorized by a court, and that persons under 18 are not detained with adults;

(e) Ensure that children have access to legal aid and independent and effective complaints mechanisms;

(f) Consider alternative measures to deprivation of liberty, such as probation, community service or suspended sentences;

(g) Train professionals in the area of rehabilitation and social reintegration of children; and

(h) Seek assistance from, among others, OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

9. Optional Protocols

61. **The Committee encourages the State party to ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.**

10. Dissemination of documents

62. **Finally, the Committee recommends that in accordance with article 44, paragraph 6, of the Convention, the initial report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the parliament and the general public, including concerned non-governmental organizations.**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Cameroon

1. The Committee considered the initial report of Cameroon (CRC/C/28/Add.16), received on 4 April 2000, at its 737th and 738th meetings (see CRC/C/SR.737-738), held on 4 October 2001 and adopted[1] the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report, which followed the established guidelines. The Committee also takes note of the timely submission of the written replies to its list of issues (CRC/C/Q/CAM/1), which allowed for a clearer understanding of the situation of children in the State party. The Committee also notes the constructive, open and frank dialogue it had with the delegation of the State party. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the rights of children in the State party.

[1] At the 749th meeting, held on 12 October 2001.

B. Positive aspects

3. The Committee welcomes the adoption of:

(a) The Act on Education Guidelines (Act 98/004);

(b) The Act containing the Health Framework Law (Act 96/03);

(c) The Act on the Control of Narcotic Drugs, Psychotropic Substances and Precursors and on Extradition and Judicial Assistance in connection with Trafficking in Children, Psychotropic Substances and Precursors (Act 97/019);

(d) The Finance Act 2000/08 incorporating the principle of free primary education at public schools;

(e) The Decree providing for the Organization and Operation of Early Childhood Facilities (2001/110/PM).

4. The Committee also welcomes the ratification of ILO Convention No. 138 concerning Minimum Age for Admission to Employment by a decree of 17 April 2001.

5. The Committee welcomes the establishment, in 1998, of the Children's Parliament.

6. The Committee notes with satisfaction that the State party is party to all six United Nations human rights treaties and the African Charter on the Rights and Welfare of the Child.

7. The Committee appreciates the actions undertaken by the State party to ameliorate the situation of refugee children.

C. Factors and difficulties impeding the implementation of the Convention

8. The Committee acknowledges that the economic and social difficulties facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular, the fact that the State party is composed of 230 ethnic tribes with different languages, the legal dual system (civil and common law), the coexistence of customary law and statutory law, traditional practices not conducive to children's rights and the high rate of illiteracy affect the full implementation of the Convention. The remoteness and inaccessibility of some areas, as well the disparity in their development, also affect the full implementation of the Convention.

D. Principal subjects of concern and recommendations

D.1. General measures of implementation

Legislation

9. The Committee notes the process begun by the State party to harmonize existing legislation with the Convention, but it remains concerned that the domestic legislation, including customary law, is very fragmented and partly unsuitable, outdated and not in conformity with the Convention, and at the continued existence of customs and traditions which impede children fully enjoying their rights.

10. **The Committee encourages the State party to take all necessary measures to ensure that its domestic legislation conforms fully to the principles and provisions of the Convention on the Rights of the Child. In that respect, the Committee recommends that the State party:**

(a) Take steps, using a rights-based approach, to harmonize existing legislation, including customary law, with the Convention;

(b) Consider the adoption of a comprehensive children's code, reflecting the general principles of the Convention on the Rights of the Child;

(c) Adopt a comprehensive family code.

Coordination

11. While the Committee notes that the Ministry of Social Affairs, and more particularly its Departments for the Well-being of Families and Children and for Solidarity, is in charge of the coordination of governmental action on questions relating to children, it is concerned at the lack of an inter-institutional mechanism responsible for coordination at the national level, and particularly at the local level, of the promotion and implementation of the Convention. It is also concerned that there is no comprehensive strategy for the implementation of the various plans of action relevant to the rights of children.

12. **The Committee recommends that the State party take all necessary measures to allocate principal responsibility for coordinating implementation of the Convention to a single body or mechanism. For this purpose, the Committee also recommends that adequate human and financial resources be allocated and appropriate measures be taken to include NGOs.**

Independent/monitoring structures

13. The Committee takes note of Decree No. 90/1549 of 8 November 1990 establishing a National Committee on Human Rights and Freedoms. However, the Committee is concerned at the lack of an independent mechanism to monitor and evaluate effectively progress in the implementation of the Convention, and empowered to receive and address complaints.

14. **The Committee recommends that the State party:**

(a) Consider establishing an independent national human rights institution in accordance with the Paris Principles relating to the status of national institutions (General Assembly resolution 48/134, annex), to monitor and evaluate progress in the implementation of the Convention at the national and local levels. This institution should be accessible to children and be empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner and to address them effectively;

(b) Continue efforts to develop good governance strategy and to combat corruption, especially in the social sector;

(c) Seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

Resources for children

15. While noting the State party's priority of increasing the budget allocated to education, the Committee expresses its concern at the decrease in government spending and its adverse impact on the funding of social services for children in particular. The Committee is also concerned that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the "maximum extent of ... available resources" of economic, social and cultural rights of children.

16. **While recognizing the difficult economic conditions, the Committee recommends that the State party:**

(a) Make every effort to increase the proportion of the budget allocated to the realization of children's rights and, in this context, to ensure the provision of appropriate human resources and to guarantee that the implementation of policies relating to children are a priority;

(b) Develop ways to establish systematic assessment of the impact of budgetary allocations on the implementation of children's rights, and to collect and disseminate information in this regard.

Data collection

17. While welcoming the publication of the indicators for children and women by the Department of Statistics and National Accounts, the Committee is concerned at the lack of systematic and comprehensive collection of disaggregated data for all areas covered by the Convention and in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

18. **The Committee recommends that the State party:**

(a) Develop a system of data collection and indicators consistent with the Convention, disaggregated by gender, age, indigenous and minority groups, and urban and rural areas. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children victims of abuse, neglect or ill-treatment; children with disabilities; children belonging to marginalized groups, such as Pygmy, Bororos and Mafa children; and other children in need of special protection (see D.8);

(b) Use these indicators and data for the formulation and evaluation of policies and programmes for the effective implementation of the Convention.

Cooperation with civil society

19. Taking note of the Act on Non-Governmental Organizations (Act 99/014), the Committee is concerned that insufficient efforts have been made to implement this legislation and to involve civil society in the implementation of the Convention, particularly in the area of civil rights and freedoms.

20. **The Committee recommends that the State party:**

(a) Systematically involve communities and civil society, including children's associations, throughout all stages of the implementation of the Convention, including legislation procedure and formulation of policies and programmes and including with respect to civil rights and freedoms;

(b) Ensure that legislation regulating NGOs is fully implemented.

Dissemination of training on the Convention

21. While aware of the measures undertaken to promote widespread awareness of the principles and provisions of the Convention (e.g. through radio programmes, seminars and workshops), the Committee is of the opinion that these measures need to be strengthened and systematized. In this respect, the Committee is concerned at the lack of a systematic plan to introduce training and awareness among professional groups working for and with children.

22. **The Committee recommends that the State party:**

(a) Strengthen its efforts to disseminate the principles and provisions of the Convention as a measure to sensitize society about children's rights through social mobilization;

(b) Translate the Convention into the major written national languages to achieve its widespread dissemination;

(c) Systematically involve community leaders in its programmes in order to fight against customs and traditions which impede the implementation of the Convention, and adopt creative communication measures for illiterate people;

(d) Provide systematic education and training on the provisions of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal and local workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers;

(e) Strengthen the focus on children's rights in the educational and advocacy role of the National Committee for Human Rights and Freedoms;

(f) Introduce human rights education, including the rights of the child, into the school curricula;

(g) Seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

D.2. Definition of the Child

23. The Committee is concerned at the difference between the minimum legal ages for marriage of boys (18 years) and that of girls (15 years), which is gender discriminatory and allows for the practice of early marriage, which is still widespread. The Committee is further concerned that the minimum and upper age limits have not been set for compulsory education, that a child below the age of 18 years may be recruited into the armed forces with parental consent and at the lack of a minimum age for medical counselling without parental consent.

24. **The Committee recommends that the State party:**

(a) Raise the minimum age for marriage to 18 for both boys and girls; and develop sensitization programmes involving community leaders and society at large, including children themselves, to curb the practice of early marriage;

(b) Set a minimum and upper age limit for compulsory education;

(c) Set a minimum age of 18 years for recruitment into the armed forces, without any possibility of recruitment below that age, even with parental consent;

(d) Set a minimum age for medical counselling without parental consent, to make access to health services possible for adolescents.

D.3. General principles

Non-discrimination

25. While noting that discrimination is prohibited under the Constitution and noting that the State party has recently taken measures to increase the enrolment in schools of girls in priority education zones, the Committee is concerned at the persistence of discrimination in the State party. In particular, the Committee is concerned at the disparities in the enjoyment of rights experienced by children belonging to the most vulnerable groups (e.g. girls, children with disabilities, children born out of wedlock; children from rural areas, least developed provinces (Far-North, North and Adamawa); Pygmy children and children from other marginalized population groups.

26. **The Committee recommends that the State party:**

(a) Make greater efforts to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2;

(b) Prioritize and target social services to children belonging to the marginalized and most vulnerable groups.

27. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking account of General Comment No. 1 on article 29.1 of the Convention (aims of education).**

The right to life, survival and development

28. The Committee is deeply concerned at the living conditions of children detained in jails and prisons, which are so deplorable that they endanger their life.

29. **The Committee recommends that the State party take all necessary measures to ensure that detained children are provided access to health and education services and with food, and that the conditions meet the needs of the children and are compatible with the rights under the Convention.**

Respect for the views of the child

30. While noting that the much appreciated Children's Parliament serves as a forum for children to express their views, the Committee is concerned that respect for the views of the child remains limited within the family, in schools, in the courts and before administrative authorities and in the society at large owing to traditional attitudes.

31. **The Committee encourages the State party to pursue its efforts to:**

(a) Promote and facilitate within the family, in schools, in the courts, including customary courts, and in administrative bodies respect for the views of children and their participation in all matters affecting them, in accordance with their age and maturity, in the light of article 12 of the Convention;

(b) Provide educational information to, inter alia, parents, teachers, government administrative officials, the judiciary, traditional leaders and society at large on children's right to participate and to have their views taken into consideration;

(c) Establish municipal councils for children.

D.4. Civil rights and freedoms

Birth registration

32. While taking note of Ordinance No. 81/2 of 29 June 1981 which makes it an obligation to declare a birth to the registry official at the place of birth, and the designation of special registration officers, the Committee remains concerned at the large numbers of children whose birth is not being registered.

33. **In the light of article 7 of the Convention, the Committee urges the State party to increase its efforts to ensure the registration of all children at birth, including through awareness-raising campaigns, and to consider introducing mobile registration units.**

Torture and ill-treatment

34. Further to the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his visit to Cameroon (E/CN.4/2000/9/Add.2) and in line with the concluding observations of the Committee against Torture (A/56/44, paras. 60-66) and of the Human Rights Committee (A/55/40, paras. 184-227), the Committee is deeply concerned that children are victims of cruel, inhuman or degrading treatment, sometimes constituting torture, committed notably at police stations, in detention places and in prisons. The Committee is also very concerned at some instances of forced disappearance and extrajudicial execution of children.

35. **In the light of the recommendations of the Committee against Torture (CAT/C/XXV/Concl.5 of 6 December 2000) and of the Human Rights Committee (CCPR/C/79/Add.116 of 4 November 1999), the Committee recommends that the State party:**

(a) Address the causes and incidence of torture and cruel, inhuman or degrading treatment of children, in order to end and prevent these violations of children's rights;

(b) Establish an independent mechanism to investigate reports of torture, forced disappearance and extrajudicial execution of children and to bring to justice the persons responsible;

(c) Adopt legislative measures for the fullest compensation and rehabilitation of child victims of torture;

(d) Establish accessible and child-sensitive structures for complaints of children; and

(e) Systematically train the police force, prison staff and the judiciary on the human rights of children.

D.5. Family environment and alternative care

Recovery of children's maintenance allowance

36. While domestic legislation includes provisions for the payment of a maintenance allowance in the case of divorce or judicial separation, the Committee is concerned at the lack of implementation of these provisions, due mainly to widespread ignorance of the law, and at the lack of legal provisions regarding maintenance for children born out of wedlock.

37. **The Committee recommends that the State party:**

(a) Make widely known, notably to women who are illiterate, the provisions of domestic legislation concerning the payment of a maintenance allowance;

(b) Ensure that professional groups dealing with this issue are adequately trained and that courts are stricter regarding the recovery of allowances from solvent parents who refuse to pay;

(c) Take measures to ensure as far as possible the maintenance of children born out of wedlock by their parents, particularly their fathers.

Children deprived of their family environment

38. The Committee is very concerned that current facilities available for the alternative care of children deprived of their family environment are insufficient and that many children do not have access to such assistance. In addition, the Committee expresses concern at the lack of appropriate training of staff and of a clear policy regarding the review of placements of children in alternative care. The Committee is also concerned that there is no legislative structure for the protection of the best interests of the child in cases of intercountry adoption.

39. **The Committee recommends that the State party:**

(a) Urgently adopt a programme to strengthen and increase alternative care opportunities for children, inter alia through the reinforcement of existing structures, the improved training of staff and the allocation of increased resources to relevant bodies;

(b) Provide for regular periodic review of the placement of children in institutions;

(c) Establish a formal procedure to guarantee the best interests of the child in cases of intercountry adoption and consider ratifying the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption; and

(d) Seek assistance from UNICEF in this regard.

Protection from abuse and neglect

40. While noting that child abuse is a crime under article 350 of the Penal Code, and that a national study on violence and abuse against children has been launched by the Ministry of Social Affairs, the Committee is deeply concerned at the very high incidence of abuse within family and in schools in the State party and at the lack of statistical data in this regard.

41. **The Committee recommends that the State party:**

(a) Complete as soon as possible the study on violence at home and in schools undertaken by the Ministry of Social Affairs, and assess the scope, nature and causes of such violence, in order to adopt effective measures and policies, in conformity with article 19 of the Convention, and to contribute to changing attitudes;

(b) Properly investigate cases of domestic violence and violence in schools through a child-sensitive judicial procedure, and that sanctions be applied to perpetrators, due regard being given to guaranteeing the right to privacy of the child;

(c) Give appropriate weight to children's views in legal proceedings, provide support services to child witnesses in legal proceedings, and services for physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention; and take measures to prevent the criminalization and stigmatization of victims;

(d) Seek technical assistance from, inter alia, UNICEF.

D.6. Basic health and welfare

42. While taking note of the adoption of several national programmes relating to child survival, and the establishment of a sub-department for family health within the Ministry of Public Health, the Committee is deeply concerned at the high and increasing infant and under-five mortality rates and low life expectancy in the State party. The Committee also

remains concerned that health services in the districts and local areas continue to lack adequate resources (both financial and human). In addition, the Committee is concerned that the survival and development of children in the State party continue to be threatened by early childhood diseases, such as acute respiratory infections and diarrhoea, and by chronic malnutrition. Concern is also expressed at the poor state of sanitation and at the insufficient access to safe drinking water, especially in rural communities.

43. **The Committee recommends that the State party:**

(a) Reinforce its efforts to allocate appropriate resources and develop and implement comprehensive policies and programmes to improve the health situation of children, particularly in rural areas;

(b) Facilitate greater access to primary health-care services; reduce the incidence of maternal, child and infant mortality; prevent and combat malnutrition, especially among vulnerable and disadvantaged groups of children; promote proper breastfeeding practices; and increase access to safe drinking water and sanitation;

(c) Pursue additional avenues for cooperation and assistance for child health improvement with, inter alia, WHO and UNICEF.

Adolescent health

44. The Committee is concerned that insufficient attention has been given to adolescent health issues, including developmental, mental and reproductive health concerns, and substance abuse. The Committee is also concerned at the particular situation of girls, given, for instance, the very high percentage of early marriages, which can have a negative impact on their health.

45. **The Committee recommends that the State party:**

(a) Undertake a comprehensive study to assess the nature and extent of adolescent health problems, with the full participation of adolescents, and use this study as a basis for the formulation of adolescent health policies and programmes, paying particular attention to adolescent girls;

(b) Strengthen mental health and adolescent-sensitive counselling services and make them accessible to adolescents.

HIV/AIDS

46. While noting the existence of a national AIDS prevention programme and the efforts of the State party in that respect (e.g. agreement with pharmaceutical companies to ensure cheap access to AIDS drugs), the Committee remains extremely concerned at the high and increasing prevalence of HIV/AIDS among adults and children, and the resulting number of children orphaned by HIV/AIDS. In this regard, the Committee is concerned at the lack of alternative care for these children.

47. **The Committee recommends that the State party:**

(a) Increase its efforts to prevent the spread of HIV/AIDS and take into consideration the recommendations the Committee adopted on its day of general discussion on children living in a world with HIV/AIDS (CRC/C/80, para. 243);

(b) Urgently consider ways of minimizing the impact on children of the HIV/AIDS-related deaths of parents, teachers and others, in terms of children's reduced access to a family life, to adoption, to emotional care and education;

(c) Involve children in formulating and implementing preventive policies and programmes;

(d) Seek further technical assistance from, inter alia, UNAIDS.

Traditional harmful practices

48. While noting that the prevalence of female genital mutilation is not as high in the State party as in other countries of the region, the Committee is concerned at the use of this practice in the State party and at the lack of legal prohibition or national strategy of prevention of this practice.

49. **The Committee urges the State party to adopt legislation prohibiting the practice of female genital mutilation and to implement programmes to sensitize the population about the harmful effects of this practice. The Committee recommends that the State party take advantage of the efforts in this regard made by other States in the region.**

Children with disabilities

50. Noting the current efforts by the State party (notably Act No. 83/013 of 21 July 1983 on the Protection of Disabled Persons and the Establishment of a Sub-Department for the Protection of Disabled Persons within the Ministry of Social Affairs), the Committee is concerned at the lack of statistical data on children with disabilities in the State party, at the situation of children with physical and mental disabilities and, in particular, at the limited specialized health care, education and employment possibilities available for them. The Committee is concerned further that poor health conditions and poverty are leading to an increase in the number of children with disabilities.

51. **The Committee recommends that the State party:**

(a) Ensure the use of adequate and comprehensive data in the development of policies and programmes for children with disabilities;

(b) Review the situation of these children in terms of their access to suitable health care, education services and employment opportunities;

(c) Take note of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (see CRC/C/69);

(d) Allocate adequate resources to strengthen services for children with disabilities, to support their families and for training of professionals in the field;

(e) Strengthen policies and programmes of inclusion in regular education, train teachers and make schools accessible;

(f) Carry out genetic and other studies to assess the causes of disabilities in the State party;

(g) Sensitize the population to the human rights of children with disabilities;

(h) Seek assistance from, inter alia, UNICEF and WHO.

Standard of living

52. The Committee notes the challenging socio-economic situation and the comprehensive debt reduction package recently agreed under the International Monetary Fund/World Bank enhanced heavily indebted poor countries initiative. However, it is concerned about the increasingly high number of children who do not enjoy their right to an adequate standard of living, including children belonging to poor families, AIDS orphans, street children, children living in remote rural and other under-developed areas, and children belonging to marginalized groups of the population. In addition, while taking note of the State party's intention to improve the coverage of the social security system, it joins the State party in expressing concern at the limited access to such assistance, and the need to reform the social security system.

53. **In accordance with article 27 of the Convention, the Committee recommends that the State party:**

(a) Reinforce its efforts to provide support and material assistance to economically disadvantaged families and to guarantee the right of children to an adequate standard of living;

(b) Pay particular attention to the rights and needs of children in the Poverty Reduction Strategy Paper and in all programmes intended to improve the standard of living in the country;

(c) Cooperate and coordinate its efforts with civil society and local communities;

(d) Reform the social security system, with a view to broadening its coverage after completion of the studies undertaken by the State party to this end.

D.7. Education, leisure and cultural activities

54. While noting the adoption of the Act on Education Guidelines (Act No. 98/004) and the Finance Act 2000/08, the Committee remains deeply concerned that primary education is not yet entirely free to all in the State party. The Committee is also concerned at the low education levels among children in the State party, gender, rural/urban and regional disparities in school attendance, the limited access of children with disabilities to formal or vocational educational opportunities, the number of children who are several years behind in their primary education, the high drop-out rate from school, the large number of children per classroom and the decline in the number of primary-school teachers due to the freeze on their recruitment. The Committee is also concerned at the very high prevalence of violence against, and sexual abuse of children in schools.

55. **The Committee recommends that the State party:**

(a) Urgently implement the Finance Act 2000/08 to make primary education free to all and in addition provide financial assistance for the costs of transportation, when needed, uniforms and other school materials for poor families;

(b) Raise the level of educational achievement among children through, inter alia, effectively decreasing the drop-out rate, increasing the number of classrooms and teachers, providing initial and ongoing training of teachers and school inspectors, developing standard national textbooks and increasing the rates of enrolment;

(c) Ensure that children with disabilities have access to formal and vocational educational opportunities and that girls and boys, as well as children from urban, rural and least developed areas, and from marginalized groups of the population have equal access to educational opportunities;

(d) Pursue its efforts to include "education for peace and tolerance", children's rights and other human rights subjects in the curricula of primary and secondary schools;

(e) Address education to the aims mentioned in article 29.1 of the Convention and the Committee's General Comment on the aims of education;

(f) Monitor and enforce the ban of corporal punishment in schools and train teachers in regard to alternative measures of discipline;

(g) Take measures against teachers who are violent and abusive towards students;

(h) Establish child-sensitive structures for children to make complaints;

(i) Take measures to prevent bullying and sexual abuse of students by other students;

(j) Pursue efforts for special projects of education for children belonging to marginalized groups like the Pygmies;

(k) Encourage participation of children at all levels of school life;

(l) Seek assistance from UNICEF and UNESCO.

D.8. Special protection measures

Refugee, asylum-seeking and unaccompanied children

56. The Committee, while acknowledging the efforts made to ameliorate the situation of child refugees, is concerned about the inadequate standards, procedures, policies and programmes to guarantee and protect the rights of refugee, asylum-seeking and unaccompanied children, including their registration, adequate education and other social services.

57. **The Committee recommends that the State party:**

(a) Establish a national system for determining the status of asylum-seekers, and integrate the rights of refugees into its domestic law;

(b) Urgently set up a system for the registration of refugee children;

(c) Consider ratifying the 1954 and 1961 Conventions on statelessness;

(d) Continue and expand its cooperation with international agencies such as, UNHCR and UNICEF.

Economic exploitation, including child labour

58. While noting the recent ratification by the State party (August 2001) of ILO Convention No. 138 concerning Minimum Age for Admission to Employment, the Committee is deeply concerned that child labour in the State party is extremely widespread and that children may be working long hours at young ages, which has a negative effect on their development and school attendance. The Committee is also concerned at practices of forced labour among children belonging to certain groups of the population, such as the Pygmies and the Kirdi.

59. **The Committee recommends that the State party:**

(a) Consider ratifying and implementing ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

(b) Adopt and implement the national plan of action to combat child labour;

(c) Strengthen the implementation of the labour laws and increase the number of labour inspectors;

(d) Continue to seek assistance from ILO with a view to participating in the International Programme on the Elimination of Child Labour (IPEC).

Sale, trafficking and abduction

60. The Committee is deeply concerned at the large number of children being sold by their parents and subsequently exploited in the labour market. The Committee is also concerned at information on alleged instances of trafficking in children for their exploitation in the State party and in neighbouring countries. The Committee is further concerned at the possible use of intercountry adoption for the purpose of trafficking.

61. **The Committee recommends that the State party:**

(a) Take measures to prevent and combat the sale and trafficking of children, including an awareness-raising campaign and educational programmes, particularly for parents;

(b) Facilitate the reunification of child victims with their families and provide adequate care and rehabilitation for them;

(c) Ratify the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Street children

62. The Committee expresses its concern at the increasing number of street children and at the lack of specific mechanisms to address this situation and to provide these children with adequate assistance.

63. **The Committee recommends that the State party:**

(a) Ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development;

(b) Ensure that these children are provided with: recovery and reintegration services for physical, sexual and substance abuse; protection from police brutality; and services for reconciliation with their families;

(c) Undertake a study on the causes and scope of this phenomenon and develop a comprehensive strategy to address the high and increasing numbers of street children, with the aim of preventing and reducing this phenomenon.

Commercial sexual exploitation and pornography

64. The Committee is concerned about the increasing number of child victims of commercial sexual exploitation, including prostitution and pornography, especially among those engaged in child labour and street children. Concern is also expressed at the insufficient programmes for the physical and psychological recovery and social reintegration of children victims of such abuse and exploitation.

65. **In the light of article 34 and related articles of the Convention, the Committee recommends that the State party undertake studies with a view to assessing the extent of the commercial sexual exploitation of children, including for prostitution and pornography, and implementing appropriate policies and programmes for its prevention and for the rehabilitation and recovery of child victims, in accordance with the Declaration and Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996.**

Administration of juvenile justice

66. While recognizing the State party's efforts in this domain, including legislation, decrees and ministerial circulars, the Committee remains concerned at the limited progress achieved in establishing a functioning juvenile justice system throughout the country. In particular, the Committee is concerned at the absence of juvenile courts and juvenile judges, and the lack of social workers and teachers to work in this field. In addition, the Committee is deeply concerned at the poor conditions of detention, due notably to overcrowding in detention and prison facilities, overuse and long periods of pre-trial detention, the length of time before the hearing of juvenile cases, the absence of assistance towards the rehabilitation and reintegration of juveniles following judicial proceedings, and the sporadic training of judges, prosecutors and prison staff. Noting that there are no criminal penalties for children below the age of 14 years, the Committee is still concerned that the minimum age for criminal responsibility is too low (10 years).

67. **The Committee recommends that the State party take additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System.**

68. **In addition, the Committee recommends that the State party:**

(a) Raise the age of criminal responsibility;

(b) Undertake all necessary measures to ensure the establishment of juvenile courts and the appointment of trained juvenile judges in all regions of the country;

(c) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period and limit by law the length of pre-trial detention;

(d) Provide children with legal assistance at an early stage of the proceedings;

(e) Protect the rights of children deprived of their liberty and improve their conditions of detention and imprisonment, including through addressing the problem of overcrowding in prisons and establishing special prisons for children with conditions suited to their age and needs, and in the meantime guarantee the separation of children from adults in prisons and places of pre-trial detention throughout the country;

(f) Ensure that children in conflict with the law do not receive the same sanctions as adults;

(g) Ensure that children remain in regular contact with their families while in the juvenile justice system;

(h) Introduce regular medical examination of inmates by independent medical staff;

(i) Establish an independent child-sensitive and accessible system for complaints for children;

(j) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;

(k) Make every effort to establish a programme of rehabilitation and reintegration of juveniles following judicial proceedings; and

(l) Request technical assistance in the area of juvenile justice and police training from, inter alia, the Office of the High Commissioner for Human Rights, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF through the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

Minorities

69. The Committee is deeply concerned about the poor situation of Pygmy children and children of similar marginalized groups, and at the lack of respect for almost all of their rights, including the rights to health care, to education, to survival and development, to enjoy their own culture and to be protected from discrimination. The Committee is also concerned at the displacement of Pygmy families, including children, as a result of logging policies.

70. **The Committee urges the State party urgently to gather additional information on the Pygmies and other marginalized groups of the population, and to elaborate a plan of action to protect their rights.**

D.9. Optional Protocols to the Convention on the Rights of the Child and acceptance of the amendment to article 43.2 of the Convention

71. The Committee notes that the State party has not ratified the two Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict. The Committee welcomes the fact that the State party has recently accepted the amendment to article 43.2 of the Convention on the Rights of the Child concerning the expansion of the Committee from 10 to 18 members.

72. **The Committee encourages the State party to ratify and implement the two Optional Protocols to the Convention on the Rights of the Child.**

D.10. Dissemination of documents from the reporting process

73. **Finally, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Gambia

1. The Committee considered the initial report of the Gambia (CRC/C/3/Add.61), received on 20 November 1999, at its 739th and 740th meetings (see CRC/C/SR.739-740), held on 5 October 2001, and adopted, at the 749th meeting (CRC/C/SR.749) held on 12 October 2001, the following concluding observations.

A. Introduction

2. While the Committee welcomes the State party's initial report, it regrets that it does not fully follow the guidelines established by the Committee. The Committee welcomes the timely submission of written replies to its list of issues (CRC/C/Q/GAM/1), which allowed for a clearer understanding of the situation of children in the State party. The Committee is encouraged by the constructive dialogue it had with the State party and the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the rights of children in the State party.

B. Positive aspects

3. The Committee welcomes the inclusion of a section on the rights of the child in the 1997 Constitution.

4. The Committee welcomes the recent ratification of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

5. The Committee notes with appreciation that the State party has formulated and launched a National Nutrition Policy and Programme (2000-2004). The Committee also expresses its appreciation for the Participatory Health, Population and Nutrition Project, which was launched with support from the World Bank and the African Development Bank.

6. The Committee welcomes the HIV/AIDS Rapid Response Project (HARRP), launched in 2001, to help combat the spread of HIV/AIDS.

7. The Committee welcomes the National Disability Survey 1998, which was conducted in cooperation with UNICEF to identify the kinds of disabilities afflicting children and their geographical location, and to facilitate programming in this regard.

8. The Committee welcomes the creation of a Global Movement for Children Committee (GMC) at the National Assembly.

9. The Committee welcomes the National Education Policy 1988-2003 and notes with appreciation that the Third Education Sector Programme was recently launched to increase access to education and improve the quality and relevance of education within the State party. Finally, the Committee also welcomes the launch of the scholarship trust fund for girls, which was established in 2000 as a measure of affirmative action to promote the enrolment of girls in schools.

C. Factors and difficulties impeding the implementation of the Convention

10. The Committee acknowledges that the economic and social difficulties facing the State party have had and still have a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular, it notes the impact of high external debt payments and increasing levels of unemployment and poverty, especially on children belonging to the most vulnerable groups. The Committee further notes that the limited availability of skilled human resources and the high population growth rate also adversely affect the full implementation of the Convention. The Committee also acknowledges that the coexistence of various ethnic groups and several legal systems (common law, customary law and the sharia), and the effects of traditional practices not conducive to the rights of the child, are other elements which affect the full implementation of the Convention.

D. Subjects of concern and recommendations

1. General measures of implementation

Legislation

11. While noting that chapter IV of the new Constitution (1997) is entirely devoted to fundamental human rights and freedoms, with a special section on children (sect. 29), the Committee is concerned that domestic legislation, including customary law and the sharia, does

not fully reflect the principles and provisions of the Convention. The Committee is also concerned that the legislation relevant to children's rights is fragmented in different laws. The Committee expresses concern at the continued existence of customs and traditions which prevent children from fully enjoying their rights.

12. **The Committee recommends that the State party take effective measures, including a thorough review of all existing legislation, to ensure that domestic law, including customary and Islamic laws, fully conforms to the provisions and principles of the Convention on the Rights of the Child. In that respect, the Committee also encourages the State party to expedite the enactment of a comprehensive children's code. The Committee strongly recommends that the State party rapidly implement the Human Rights Promotion and Protection Programme which includes plans to harmonize domestic laws with the Convention. The Committee recommends that the State party seek technical assistance from, among others, OHCHR and UNICEF.**

Coordination

13. While noting with satisfaction that a focal point has recently been appointed by the Attorney-General's Chambers and the Department of State for Justice to liaise between UNICEF and the Department in work towards the full implementation of the Convention, the Committee is concerned that the National Commission on Children's Rights, aimed at coordinating and facilitating the implementation of the Convention on the Rights of the Child as well as child-related programmes and policies, has not yet been established and that there continues to be no effective mechanism to coordinate the implementation of the Convention.

14. **The Committee recommends that the State party take all effective measures to establish the National Commission on Children's Rights and ensure the effective coordination of the implementation of the Convention at the national and local levels. For this purpose, the Committee also recommends that adequate human and financial resources be allocated and that appropriate measures be taken to include NGOs.**

Data collection

15. The Committee is concerned that the data collection mechanism within the State party does not ensure the adequate collection of disaggregated data on all aspects of the Convention, monitor and evaluate progress achieved, and assess the impact of policies adopted with respect to children.

16. **The Committee recommends that the State party strengthen its efforts to establish a comprehensive mechanism to collect data, disaggregated by gender, age, minority group and rural and urban area. The State party should also develop indicators to effectively monitor and evaluate progress achieved in the implementation of the Convention and assess the impact of policies relevant to children. The data collection mechanism should incorporate all the areas covered by the Convention and cover all children below the age of 18 years, with specific emphasis on those who are particularly vulnerable. In this context, the Committee recommends that the State party seek technical assistance from, among others, UNFPA, UNDP and UNICEF.**

Independent monitoring mechanisms

17. While noting that the Department for Social Welfare is currently responsible for receiving and investigating individual complaints of violation of the rights of children, the Committee notes that the mandate of the Office of the Ombudsman does not adequately cover issues relevant to children's rights. The Committee is concerned that the State party has not established an independent monitoring mechanism to receive and investigate individual complaints of violation of the rights of children.

18. **The Committee encourages the State party to expand the mandate of the Office of the Ombudsman or establish a separate monitoring mechanism to deal with complaints of violations of the rights of children and to provide remedies for such violations. This monitoring mechanism should be set up, in accordance with the Paris Principles (General Assembly resolution 48/134), to monitor and evaluate progress in the implementation of the Convention at the national and, if appropriate, at the local level, should be accessible to children, and be empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner and to address them effectively. The Committee further suggests that the State party introduce an awareness-raising campaign to facilitate the effective use by children of such a mechanism. The Committee recommends that the State party seek technical assistance from, among others, OHCHR and UNICEF.**

Resources for children

19. While the Committee welcomes the strong efforts to take steps towards sustainable development, notes the increase in the budget allocations for social services and is aware of the economic and social challenges faced by the State party, it remains concerned that in light of article 4 of the Convention, not enough attention has been paid in allocating budgetary resources, at both the national and local levels, in the best interests of children "to the maximum extent of ... available resources".

20. **In light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, especially economically and geographically disadvantaged groups, to the maximum extent of available resources (at the national and local levels) and, where needed, within the framework of international cooperation. The Committee further recommends that the State party make children, particularly those in need of special protection, the target of the Poverty Reduction Strategy Paper to be finalized in December 2001.**

Dissemination of the Convention

21. While noting the initiatives of the State party to promote awareness of the principles and provisions of the Convention, the Committee is concerned that professional groups, children, parents and the public at large are still not sufficiently aware of the Convention and the rights-based approach enshrined therein.

22. **The Committee recommends that the State party strengthen its efforts to ensure that the principles and provisions of the Convention are widely known and understood by adults and children alike. In this regard, the Committee encourages the State party to use traditional means of communication and to involve the media in its awareness-raising campaigns. The Committee recommends the reinforcement of adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, including psychologists and social workers, personnel of childcare institutions, and traditional or community leaders. The Committee also recommends that the State party expedite the implementation of the syllabus prepared for human rights education, including children's rights, in schools. The Committee encourages the State party to take effective measures to translate the Convention into local languages. The Committee further suggests that the State party seek technical assistance from, among others, OHCHR and UNICEF.**

2. Definition of the child

23. The Committee is concerned that there is no clear legal definition of the child in the State party and that various legal minimum ages which are inconsistent with the Convention, discriminatory and/or too low have been set.

24. **With reference to paragraph 60 of the State party's initial report, the Committee encourages the State party to take the necessary legislative measures:**

(a) To establish a clear definition of the child in accordance with article 1 and other related principles and provisions of the Convention;

(b) To set the legal minimum age for marriage of girls and boys at 18 years; and

(c) To establish clear legal minimum ages for compulsory education, employment and enlistment in the armed forces, in accordance with the principles and the provisions of the Convention.

3. General principles

Non-discrimination

25. While noting that the 1997 Constitution sets out to eliminate all forms of discrimination, the Committee is concerned that section 33 (5) of the Constitution excludes matters of personal law such as marriage, divorce and inheritance, and matters ruled by customary law, and that the principle of non-discrimination is not adequately implemented with respect to certain vulnerable groups of children, especially girls, children born out of wedlock and children with disabilities. The Committee is particularly concerned about the limited access of these children to adequate health, education and other social services.

26. **The Committee, with reference to paragraph 70 of the State Party's initial report, encourages the State party to amend its Constitution to exclude all forms of discrimination and to take all effective measures to implement laws, policies and programmes in order to guarantee the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to vulnerable groups of children.**

27. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of the Committee's general comment No. 1 on article 29 (1) of the Convention on the aims of education.**

Respect for the views of the child

28. The Committee notes with concern that traditional practices and attitudes still limit the full implementation of article 12 of the Convention.

29. **The Committee recommends that the State party develop a systematic approach to increasing public awareness of the participatory rights of children, particularly at the local levels and in traditional communities, and encourage respect for the views of the child in families, schools, and the care and judicial systems.**

4. Civil rights and freedoms

Birth registration

30. The Committee notes that the law provides for the registration of children at birth. However, it is concerned that many children, particularly those born at home and those living in rural communities, are not registered. The Committee is also concerned that children do not easily obtain birth certificates, which are necessary for access to education.

31. **In light of articles 7 and 8 of the Convention, the Committee recommends that the State party strengthen its efforts to raise awareness among government officers, midwives, community and religious leaders and parents themselves, in order to ensure that all children are registered at birth. The Committee also recommends facilitating the issuance of birth certificates, for example by combining birth registration with the automatic and issuance of a free birth certificate.**

Corporal punishment

32. The Committee expresses grave concern that corporal punishment is still practised and accepted in schools, families, and care and juvenile detention institutions, and as a punishment in the penal system.

33. **The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment as a penal sanction within the juvenile justice system, in schools and care institutions, as well as in families. The Committee encourages the State party to reinforce its public awareness campaigns to promote positive, participatory, non-violent forms of discipline as an alternative to corporal punishment at all levels of society.**

5. Family environment and alternative care

Recovery of maintenance for the child

34. The Committee notes that the Maintenance Act (Cap. 44:03, Laws of the Gambia) obliges parents to provide financial support to children and that the Department of Social Welfare has assisted the parents to obey this Act. While noting the socio-economic challenges within the State party, the Committee expresses concern that the amount allocated for the payment of maintenance for children is generally insufficient and is often decided on ad hoc bases.

35. **The Committee recommends that the State party take effective measures to review its policies, guidelines and procedures for the administration and implementation of the Maintenance Act in order to ensure the adequate and effective recovery of maintenance for children.**

Protection of children deprived of a family environment

36. The Committee expresses concern at the increasing number of children deprived of a family environment and the inadequate facilities and services for them. The Committee also notes with concern the absence of an independent complaint mechanism for children in alternative care institutions, the inadequate review of their placement in institutions as well as the lack of available trained personnel in this field. Concern is also expressed at the insufficient financial and human resources allocated for alternative care, as well as to the Department of Social Welfare.

37. **The Committee recommends that the State party take effective measures to improve alternative care through, inter alia, the allocation of adequate financial and human resources, including to the Department of Social Welfare. It further recommends that the State party provide additional training, including in children's rights, for social and welfare workers, ensure the periodic review of placements in institutions and establish an independent complaints mechanism for children in alternative care institutions.**

Adoption and foster care

38. While noting that the Adoption Act (1992) provides for the regulation of adoptions (domestic and intercountry), the Committee expresses concern that informal adoptions, which are generally not monitored with respect to the best interests of the child, are more widely

accepted and practised within the State party. While the Committee notes the efforts of the State party to introduce a foster care programme, it is concerned that "informal foster care" within the extended family system is still preferred.

39. **In light of article 21 of the Convention, the Committee recommends that the State party strengthen administrative procedures for formal domestic and intercountry adoptions, in order to prevent the abuse of the practice of informal adoption and guarantee the protection of the rights of children. In light of the increasing number of children deprived of a family environment, the Committee recommends that the State party promote and encourage formal adoptions and reinforce its foster care programme. Additionally, the Committee encourages the State party to accede to the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption.**

Abuse/neglect/abandonment/maltreatment/violence

40. The Committee is concerned about the high and increasing incidence of physical and sexual abuse of children, including in schools, care institutions and at home. Concern is also expressed about the lack of awareness of and information on domestic violence, ill-treatment and abuse (sexual, physical and psychological) of children and the insufficient financial and human resources allocated for programmes to combat abuse against children.

41. **In light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse (including sexual abuse within the family) in order to adopt policies which will help to change attitudes and improve the prevention and treatment of cases of violence against children. The Committee encourages the State party to consider introducing an effective system for reporting cases of abuse, including sexual abuse, of children. It also recommends that cases of domestic violence, ill-treatment and abuse of children be properly investigated within a child-sensitive judicial procedure and that sanctions be applied to perpetrators, with due regard given to protecting the right to privacy of the child. In accordance with article 39 of the Convention, measures should be taken to ensure the rehabilitation of victims as well as perpetrators. Efforts should also be made to prevent the criminalization and stigmatization of child victims of abuse. The Committee recommends that the State party seek technical assistance from, among others, UNICEF and UNDP.**

6. Basic health and welfare

Right to health and access to health services

42. The Committee notes the efforts of the State party to improve health care for children through, inter alia, the National Nutrition Policy and the Participatory Health, Population and Nutrition Project. However, the Committee is concerned at the insufficient number of trained medical personnel; the lack of medicines, equipment and support for health workers; the high maternal, child and infant mortality rates; the high rate of malnutrition; the increasing incidence of HIV/AIDS; the high incidence of malaria and acute respiratory infections; poor sanitation and limited access to safe drinking water, especially in rural areas.

43. **The Committee recommends that the State party:**

(a) Allocate sufficient resources to reinforce its policies and programmes to improve health care for children;

(b) Take all effective measures to increase the number of trained medical and other health personnel, including traditional healers; facilitate cooperation between trained medical personnel and traditional healers, especially midwives; reduce the incidence of maternal, child and infant mortality; increase access to safe drinking water; improve sanitation; prevent and combat malnutrition; and reduce the incidence of malaria and acute respiratory infections;

(c) Take all effective measures to facilitate greater access to health services by, inter alia, abolishing or rationalizing cost-sharing in primary health care to reduce the burden on poor families;

(d) Continue its cooperation, through the Integrated Management of Childhood Illnesses and other measures for child health improvement, with, among others, WHO and UNICEF.

Adolescent health

44. The Committee expresses its concern with respect to the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, violence, suicides, mental health, alcohol and substance abuse, and, especially, early and forced marriage and early pregnancy and STDs.

45. **The Committee recommends that the State party strengthen adolescent health policies, including reproductive health education. Further, the Committee suggests that a comprehensive and multidisciplinary study be undertaken to assess the scope of adolescent health problems. It also recommends that the State party undertake awareness-raising campaigns to discourage early and forced marriages. Additionally, it recommends that the State party allocate adequate human and financial resources to increase the number of social workers and psychologists and to develop youth-sensitive care, counselling and rehabilitation facilities for adolescents. It is further recommended that the State party seek technical assistance from, among others, UNICEF and WHO.**

HIV/AIDS

46. While noting the launch of the HIV/AIDS Rapid Response Programme, the Committee remains extremely concerned at the high incidence and increasing prevalence of HIV/AIDS amongst adults and children and the resulting number of children orphaned by HIV/AIDS. In this regard, the Committee is concerned at the lack of alternative care for these children.

47. **The Committee recommends that the State party:**

(a) Increase its efforts to prevent HIV/AIDS and take into consideration the recommendations the Committee adopted at its day of general discussion on children living in a world with HIV/AIDS (CRC/C/80, para. 243);

(b) Urgently consider ways of minimizing the impact upon children of the HIV/AIDS-related deaths of parents, teachers and others, in terms of children's reduced access to a family life, adoption, emotional care and education;

(c) Involve children in formulating and implementing preventive policies and programmes; and

(d) Seek further technical assistance from, among others, UNAIDS.

Female genital mutilation

48. While the Committee notes the launch in March 1997 of the First National Action Plan for the Eradication of Female Genital Mutilation, it remains concerned that female genital mutilation (FGM) is not prohibited by law and is still widely practised in the State party. Concern is also expressed about the persistent use of other harmful traditional practices, including early, consanguine and forced marriages.

49. **The Committee recommends that the State party take legislative and awareness-raising measures to combat and eradicate the persistent practice of FGM and other traditional practices harmful to the health, survival and development of children, especially girls. The Committee urges the State party to introduce sensitization programmes for practitioners and the general public to encourage change in traditional attitudes and discourage harmful practices.**

Children with disabilities

50. The Committee is concerned about the inadequate legal protection and the insufficient facilities and services for children with disabilities. Concern is also expressed at the limited number of trained teachers available to work with children with disabilities, as well as the insufficient efforts made to facilitate their inclusion into the educational system and generally within society. The Committee also notes with concern the inadequate resources allocated to special education programmes for children with disabilities.

51. **In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations adopted by the Committee at its day of general discussion on "The rights of children with disabilities" (CRC/C/69, paras. 310-339), it is recommended that the State party:**

(a) Take effective measures to collect adequate statistical data on children with disabilities and to ensure the use of such data in the development of policies and programmes for these children;

(b) Reinforce its efforts to develop early detection programmes to prevent disabilities;

(c) Implement alternatives to the institutionalization of children with disabilities;

(d) Establish special education programmes for them and, where feasible, integrate them into mainstream schools and public life;

(e) Undertake awareness-raising campaigns to sensitize the public about the rights and special needs of children with disabilities as well as children with mental health concerns;

(f) Increase resources, both financial and human, allocated to special education and enhance the support given to families of children with disabilities; and

(g) Seek technical cooperation for the training of professional staff, including teachers, working with and for children with disabilities from, among others, WHO and UNESCO.

Right to an adequate standard of living

52. The Committee is concerned about widespread poverty and the increasingly high numbers of children who do not enjoy the right to an adequate standard of living, including children belonging to poor families, street children, child beggars, refugee and asylum-seeking children, and children living in remote rural communities.

53. **The Committee recommends that in accordance with article 27 of the Convention, the State party reinforce its efforts to provide support and material assistance to economically disadvantaged families and to guarantee the right of children to an adequate standard of living. In this connection, the Committee recommends that the State party pay particular attention to the rights and needs of children when introducing its Poverty Reduction Strategy and all other programmes intended to improve the standard of living in the country. In this regard, the Committee encourages the State party to coordinate its efforts with civil society and local communities.**

7. Education

Right to and aims of education

54. The Committee notes the efforts of the State party to improve the situation of education in the country, including the recent launching of the Third Education Sector Programme. Nevertheless, the Committee expresses concern that primary education is not free in practice, which further limits access to education, especially for girls, children from economically disadvantaged families and those living in remote rural communities. Concern is also expressed regarding low enrolment and high drop-out and repetition rates, insufficient numbers of trained

teachers, an insufficient number of schools and classrooms, lack of relevant learning material, and geographical disparity in enrolment rates and access to education. The Committee is particularly concerned about the high rate of illiteracy within the State party, especially in relation to girls. In light of article 29 (1) of the Convention, the Committee is also concerned about the quality of education within the State party.

55. **The Committee urges the State party to take legal and other measures to guarantee the right to education for all children within its territory. The Committee recommends that the State party take effective measures, including the allocation and distribution of adequate financial, human and technical resources, to make primary education free, train teachers, including female teachers effectively, enhance the quality of education and improve the literacy rate. It is further recommended that the State party reinforce its efforts to increase enrolment in schools by, inter alia, abolishing and/or rationalizing user fees at all levels of the educational system. The State party should pay particular attention to the quality of education, in light of article 29 (1) and the Committee's general comment No. 1 on the aims of education. It is recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO.**

8. Special protection measures

Refugee, asylum-seeking and unaccompanied children

56. The Committee is concerned about the inadequate standards, procedures and policies to guarantee and protect the rights of refugee, asylum-seeking and unaccompanied children, including their access to adequate education, health and other social services.

57. **The Committee recommends that the State party take effective legal and other measures to ensure adequate protection of refugee, asylum-seeking and unaccompanied children and implement further policies and programmes to guarantee their access to health, education and social services. The Committee further recommends that the State party introduce training programmes for immigration officers and others involved in the custody, interrogation and treatment of refugee and asylum-seeking children. The Committee encourages the State party to reinforce its cooperation with UNHCR.**

Street children

58. The Committee expresses grave concern at the high and increasing number of street children. In particular, the Committee notes their limited access to health, education and other social services as well as their vulnerability to police brutality, sexual abuse and exploitation and economic exploitation.

59. **The Committee recommends that the State party:**

(a) Take all effective measures to ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, to support their full development;

(b) Ensure that these children are provided with preventive and rehabilitative services for physical, sexual and substance abuse, protection from police brutality, and services for reconciliation with their families; and

(c) Undertake a study to assess the scope and the causes of the phenomenon and consider establishing a comprehensive strategy to address the high and increasing number of street children with the aim of preventing and reducing this phenomenon.

Child beggars

60. The Committee is concerned at the high number of children who are begging in the streets. The Committee notes that these child beggars, referred to as almudus, are scholars under the guardianship of Islamic religious education teachers called marabouts. The Committee is concerned at their vulnerability to police brutality, sexual abuse and exploitation and economic exploitation.

61. **The Committee recommends that the State party conduct a study in order to better assess the scope of this phenomenon and introduce programmes to discourage and prevent child begging, and to involve the Islamic religious education teachers or marabouts in these programmes.**

Economic exploitation

62. In light of the current economic situation and the increasing number of school drop-outs, the Committee is concerned about the large number of children engaged in labour and the lack of information and adequate data on the situation of child labour and economic exploitation within the State party. The Committee also notes with concern that there is no legal minimum age for employment in accordance with ILO Convention No. 138 concerning Minimum Age for Admission to Employment. Grave concern is expressed about the increasing number of child labourers, including domestic servants.

63. **The Committee encourages the State party to introduce monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation, particularly in the informal sectors. It is further recommended that the State party undertake a comprehensive study to assess the situation of child labour, including in the informal sector, children working on the streets and domestic workers. The Committee urges the State party to establish a clear legal minimum age for employment.**

Sexual exploitation and sexual abuse

64. The Committee is concerned about the large and increasing number of child victims of commercial sexual exploitation, including for prostitution and pornography, especially among child labourers and street children. Concern is also expressed at the insufficient programmes for the physical and psychological recovery and social reintegration of child victims of such abuse and exploitation.

65. **In light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to assessing the scope of commercial sexual exploitation of children, including for prostitution and pornography, and implementing appropriate preventive and rehabilitative policies and programmes for child victims. The Committee also encourages the State party to pursue its efforts to adopt a national plan of action against commercial sexual exploitation of children, taking into account the recommendations formulated in the Agenda for Action adopted at the 1996 World Congress against Commercial Sexual Exploitation of Children.**

Administration of juvenile justice

66. The Committee notes that a National Committee on Juvenile Justice was established in 1998 to consider measures to strengthen preventive and reintegrative processes in the juvenile justice system. The Committee also notes that a separate prison wing for juvenile offenders was opened in March 2000, to ensure that juveniles are separated from adults in detention. However, the Committee is deeply concerned at the possibility that a child may be sentenced to the death penalty. The Committee is also concerned at the low age of criminal responsibility (seven years), the absence of juvenile courts and juvenile judges, and the lack of social workers and teachers to work in this field.

67. **The Committee recommends that the State party take all appropriate measures to implement a juvenile justice system in conformity with the Convention, in particular articles 37, 39 and 40, and with other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and the Vienna Guidelines for Action on Children in the Criminal Justice System.**

68. **In addition, the Committee recommends that the State party:**

(a) Prohibit the use of the death penalty, life imprisonment and whipping;

(b) Raise the age of criminal responsibility;

(c) Undertake all necessary measures to ensure the establishment of juvenile courts and the appointment of trained juvenile judges;

(d) Use deprivation of liberty (institutionalization) only as a measure of last resort and for the shortest possible period of time;

(e) Guarantee separation from adults in prison and in pre-trail detention places all over the country;

(f) Ensure that children remain in contact with their families while in the juvenile justice system;

(g) Abolish the use of corporal punishment within the juvenile justice system;

(h) Strengthen rehabilitation and reintegration programmes;

(i) Consider seeking technical assistance from, among others, OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice.

9. Optional Protocols and amendment to article 43 (2) of the Convention

69. The Committee notes that the State party has signed but not ratified the two Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, and has not yet accepted the amendment to article 43 (2) of the Convention for an expansion of the Committee from 10 to 18 members.

70. **The Committee encourages the State party to ratify the two Optional Protocols to the Convention on the Rights of the Child and urges the State party to accept the amendment to article 43 (2) of the Convention.**

10. Dissemination of documents

71. **Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Paraguay

1. The Committee considered the second periodic report of Paraguay (CRC/C/65/Add.12), submitted on 12 October 1998, at its 741st meeting (see CRC/C/SR.741), held on 8 October 2001, and adopted, at its 749th meeting (CRC/C/SR.749), held on 12 October 2001, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's second periodic report, which very precisely follows the guidelines for reporting, thus providing the Committee with a lot of information on the implementation of the Convention. However, the written replies to its list of issues (CRC/C/Q/PAR.2), received only on 5 October 2001, only partly addressed the Committee's questions. Furthermore, the delegation representing the State party was unfortunately not in a position to answer most of the questions put by the Committee. In particular, the Committee regrets that it was not possible to discuss in more detail the content of the new Children's Code. The Committee regretfully recalls that similar problems occurred during the examination of the initial report of the State party.

B. Positive aspects

3. The Committee welcomes the adoption of the Children's Code in line with its previous recommendation (CRC/C/15/Add.75, para. 29).

4. In light of its previous recommendation (CRC/C/15/Add.75, para. 41), the Committee notes with satisfaction the promulgation in 1997 of the Adoption Act to combat trafficking in children and establish strict control over all matters connected with adoption, especially intercountry adoption. It further takes note of the Law against Domestic Violence.

5. The Committee notes with satisfaction the establishment in 1997 of a Juvenile Complaints Department for the receipt of complaints of violations of children's rights, and in 1998 of a National Network against Child Abuse (REDNAMI), made up of governmental and non-governmental organizations.

C. Factors and difficulties impeding progress in the implementation of the Convention

6. The Committee notes with concern that the State party is facing many difficulties in the implementation of the Convention, in particular owing to political instability, low economic growth and an inadequate public service. The Committee acknowledges that the serious economic and social disparities, affecting in particular people living in rural areas and indigenous people, impede the full achievement and enjoyment of the rights recognized in the Convention.

D. Principal areas of concern and recommendation

1. General measures of implementation

Committee's previous recommendations

7. The Committee notes with great concern that most of its previous recommendations (CRC/C/15/Add.75) have not been satisfactorily followed up or not followed up at all.

8. **The Committee strongly recommends that the State party give effective follow-up to the Committee's previous recommendations, paying particular attention to those which are reiterated hereafter.**

Legislation

9. The Committee notes with concern that the recently adopted Children's Code may not enter into force at the end of November 2001, six months after its promulgation.

10. **The Committee recommends that the State party:**

(a) Ensure that the Children's Code enters into force without delay;

(b) Ensure the implementation of the Children's Code in full compliance with the Convention, paying particular attention to the elimination of the traditional concept of "irregular situation" and to the need for adequate structures by allocating the necessary human and financial resources.

Coordination

11. While noting that the new Children's Code foresees the establishment of a National Secretariat for Children and Adolescents, the Committee notes with concern that a process of reform of the structure of ministries and secretariats in Paraguay may delay the entry into force of the Code until July 2002, thereby preventing the allocation of funds in the 2002 budget for the new structure. It further notes with concern that the National Plan of Action for Children (PNAI) has limited economic resources and is not disseminated at local level, and that its coordinating body, the PNAI Committee, does not have a budget allocation and has had a large turnover among its members.

12. **The Committee recommends that the State party:**

(a) Strengthen coordination between the various governmental bodies and mechanisms involved in children's rights at both the national and local levels, in line with its previous recommendation (CRC/C/15/Add.75, para. 30);

(b) Ensure the establishment of the National Secretariat for Children and Adolescents without delay;

(c) Provide adequate human and financial resources in the 2002 budget for the National Secretariat for Children and Adolescents in order to enable it to carry out its tasks in an effective way; and

(d) For the preparation of the next National Plan of Action take into account the obstacles met in implementing the previous National Plan of Action and the results of the mid-term evaluation and of the review made for the end-of-decade report.

Budgetary allocations

13. While noting the information that there has been an increase in public social spending, the Committee reiterates its concern that budgetary allocations for children are still insufficient to respond to national and local priorities for the protection and promotion of children's rights and to overcome and remedy existing disparities between rural and urban areas with respect to services provided to children (CRC/C/15/Add.75, para. 35).

14. **In light of article 4 of the Convention, the Committee encourages the State party:**

(a) To strengthen its efforts to reduce poverty and its impact on children;

(b) To identify clearly its priorities with respect to child rights issues in order to ensure that funds are allocated "to the maximum extent of ... available resources and, where needed, within the framework of international cooperation" for the full implementation of the economic, social and cultural rights of children, in particular with respect to local governments and for children belonging to the most vulnerable groups in society; and

(c) To identify the amount and proportion of the budget spent on children at the national and local levels in order to evaluate the impact and effect of the expenditures on children.

Monitoring

15. Although the 1992 Constitution foresees the creation of a *Defensor del Pueblo* (human rights ombudsman), the Committee notes with concern that no mechanism has been established yet to receive and address complaints, in particular in the field of children's rights.

16. **The Committee encourages the State party to establish an independent and effective mechanism in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134), provided with adequate human and financial resources and easily accessible to children, that:**

(a) Monitors the implementation of the Convention;

(b) Deals with complaints from children in a child-sensitive and expeditious manner; and

(c) Provides remedies for violations of their rights under the Convention.

In this regard, the Committee further recommends that the State party consider seeking technical assistance from, among others, UNICEF and OHCHR.

Data collection

17. The Committee, while noting the creation in 1995 of a database to monitor the National Plan of Action for Children (PNAI), expresses its concern that statistical data are not updated and do not cover sufficiently nor are disaggregated for all areas covered under the Convention, and that, when available, these data are not used in an adequate manner to assess trends and as a basis for policy-making in the field of children's rights.

18. **In line with its previous recommendation (CRC/C/15/Add.75, para. 32), the Committee recommends that the State party:**

(a) Further strengthen, expand and update its database; and

(b) Use these indicators and data effectively for the formulation and evaluation of policies and programmes for the implementation and monitoring of the Convention.

Dissemination and training

19. The Committee recognizes that material promoting human rights was disseminated by both governmental agencies and non-governmental organizations, in line with its previous recommendation (CRC/C/15/Add.75, para. 33), but notes that these measures need to be strengthened, in particular in rural areas and among indigenous children.

20. **The Committee recommends that the State party:**

(a) Increase its efforts to translate informative material into Guaraní and the main indigenous languages and disseminate it;

(b) Develop more creative methods for promoting the Convention, including through audio-visual aids such as picture books and posters, in particular at local level;

(c) Provide adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators and health personnel;

(d) Fully integrate the Convention into the curricula at all levels of the educational system; and

(e) Seek technical assistance from, among others, UNICEF, UNESCO and OHCHR.

Cooperation with NGOs

21. The Committee, while noting examples of collaboration between governmental institutions and non-governmental organizations, e.g. in the preparation of the Children's Code and of the State party's second periodic report, nevertheless notes that cooperation with non-governmental organizations should be further promoted and reinforced.

22. **The Committee reiterates its recommendation to the State party (CRC/C/15/Add.75, para. 31) to encourage the promotion of closer cooperation with non-governmental organizations, in particular in the area of implementation of the new Children's Code.**

2. Definition of the child

23. The Committee reiterates its concern about the disparity between the legal minimum age for admission to employment (12 years) and the age for the end of compulsory education (15 years).

24. **The Committee recommends that the State party increase the minimum age for admission to employment in order to prevent children from starting to work before the completion of compulsory education.**

3. General principles

25. The Committee is concerned that the principles of non-discrimination (article 2 of the Convention), best interests of the child (art. 3), right to life, and maximum possible survival and development of the child (art. 6) and respect for the views of the child (art. 12) are not fully reflected in the State party's legislation and administrative and judicial decisions, as well as in policies and programmes relevant to children at both national and local levels.

26. **The Committee reiterates its previous recommendation (CRC/C/15/Add.75, para. 34) that the State party:**

(a) Appropriately integrate general principles of the Convention, in particular the provisions of articles 2, 3, 6 and 12, in all relevant legislation concerning children;

(b) Apply them in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children; and

(c) Apply these principles in planning and policy-making at every level, as well as in actions taken by social and health welfare institutions, courts of law and administrative authorities.

Non-discrimination

27. The Committee is concerned that the principle of non-discrimination is not fully implemented for children belonging to indigenous groups or those groups speaking only Guaraní, urban and rural poor children, girls, street children, children with disabilities, and children living in rural areas, especially with regard to their access to adequate health and educational facilities. It further notes with concern that pregnant girls are often not allowed to continue their education, especially in private schools.

28. **The Committee recommends that the State party:**

(a) Take all the necessary measures to end discrimination;

(b) Monitor the situation of children, in particular those belonging to the above-mentioned vulnerable groups, who are exposed to discrimination;

(c) Develop, on the basis of the results of this monitoring, comprehensive strategies containing specific and well-targeted actions aimed at ending all forms of discrimination; and

(d) Include specific information in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow-up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1 on article 29 (1) of the Convention on the aims of education.

4. Civil rights and freedoms

Birth registration

29. The Committee notes with concern that a large number of children, in particular those belonging to indigenous groups and/or living in rural or remote areas, are not registered because of distance or because parents are unaware of the importance of birth registration. It further notes that registration is not free.

30. **In light of article 7 of the Convention and in line with its previous recommendation (CRC/15/Add.75, para. 38), the Committee recommends that the State party:**

(a) Develop more widespread awareness among the population of the importance of birth registration; and

(b) Improve the registration system in order to reach all people, in particular in rural and remote areas, including by using mobile registration units.

Corporal punishment

31. The Committee is concerned that corporal punishment of children remains socially acceptable in Paraguay and that it is still practised in families, schools and other institutions.

32. **In light of articles 3, 19 and 28 (2) of the Convention, the Committee encourages the State party to:**

(a) Develop measures to raise awareness about the harmful effects of corporal punishment and encourage use of alternative forms of discipline in families to be administered in a manner consistent with the child's dignity and in conformity with the Convention; and

(b) Explicitly prohibit corporal punishment in the family, in schools and in other institutions.

5. Family environment and alternative care

Parental responsibilities

33. The Committee is concerned at the increase in the breakdown of families, in particular owing to migration to urban areas. It further notes that children, particularly in poor families, are not sufficiently stimulated, which can have a negative impact on their harmonious development.

34. **In light of article 18 of the Convention and in line with its previous recommendations (CRC/C/15/Add.75, paras. 39 and 43), the Committee recommends that the State party:**

(a) Improve social assistance to families to help them with their child-rearing responsibilities, including through counselling and community-based programmes, with a focus on early stimulation; and

(b) Seek international assistance from, among others, UNICEF.

Abuse and neglect

35. The Committee, while noting the establishment in 1998 of a National Network for Child Abuse (REDNAMI), is nevertheless concerned at its lack of human and financial resources. It is further concerned at the lack of data and information on child abuse and neglect, at the inadequacy of measures, mechanisms and resources to prevent and combat physical and sexual abuse and neglect of children, and at the limited number of services for abused children, in particular in rural areas.

36. **In light of article 19 of the Convention and in line with its previous recommendation (CRC/C/15/Add. 75, para. 40), the Committee recommends that the State party:**

(a) Undertake studies on domestic violence, ill-treatment and abuse, including sexual abuse, in order to assess the extent, scope and nature of these practices;

(b) Adopt and implement effectively adequate measures and policies, and contribute to changing attitudes, and in that regard provide the National Network for Child Abuse with adequate human and financial resources;

(c) Investigate effectively cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, within a child-sensitive inquiry and judicial procedure in order to ensure better protection of child victims, including the protection of their right to privacy;

(d) Take measures to provide support services to children in legal proceedings, and for the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment and violence, in accordance with article 39 of the Convention; and

(e) Seek, in this regard, international cooperation and technical assistance from, among others, UNICEF and WHO.

6. Basic health and welfare

Health and health services

37. While noting the decrease in the infant and child mortality rates, the Committee is nevertheless concerned at the lack of reliable statistics and at the still high rates of mortality,

morbidity and malnutrition affecting especially indigenous children and those who speak only Guaraní. It further notes the high maternal mortality rates, due largely to a high incidence of illegal abortion, especially in rural areas. It is also concerned about the unsatisfactory level of the immunization coverage.

38. **In light of article 24 of the Convention and in line with its previous recommendation (CRC/C/15/Add. 75, para. 45), the Committee recommends that the State party:**

(a) Allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of all children without discrimination, in particular by focusing more on primary health care and decentralizing the health-care system;

(b) In order to prevent child mortality and morbidity and address the high maternal mortality rate, provide adequate antenatal and postnatal health-care services and develop campaigns to inform parents about basic child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation, family planning and reproductive health;

(c) Develop a comprehensive nutritional programme in order to prevent and combat malnutrition, in particular among indigenous children and those who speak only Guaraní;

(d) Look to international cooperation for the full and efficient implementation of the immunization programme; and

(e) Seek technical assistance from, among others, WHO, UNICEF and UNFPA.

Children with disabilities

39. The Committee, while noting the National Action Plan for Disability, expresses its concern that lack of funding and mental and architectonic barriers prevent its full implementation. Further, it notes with concern that there are no programmes and services specific for children. The Committee is also concerned at the general lack of resources and specialized staff for these children, especially the ones with mental disabilities, in particular in rural areas.

40. **In light of article 23 of the Convention, the Committee recommends that the State party:**

(a) Undertake studies to determine the causes of and ways to prevent disabilities in children;

(b) Undertake measures to ensure that the situation of children with disabilities is monitored in order to assess their situation and needs effectively;

(c) Conduct public awareness campaigns in all languages, in particular indigenous ones, to raise awareness of the situation and the rights of children with disabilities;

(d) Allocate the necessary resources for programmes and facilities for all children with disabilities, especially the ones living in rural areas, and strengthen community-based programmes to enable them to stay at home with their families;

(e) Support the parents of children with disabilities with counselling and, when necessary, financial support;

(f) In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (CRC/C/69, para. 310-339), further encourage their integration into the regular educational system and inclusion into society, including by providing special training to teachers and by making schools more accessible;

(g) Seek technical assistance from, among others, WHO.

Adolescent health

41. The Committee expresses its concern regarding the high rates of early pregnancy, the rise in the number of children and youths using drugs, and the growing number of cases of HIV/AIDS among the youth. Further, it notes the limited availability of programmes and services in the area of adolescent health, including mental health, and the lack of sufficient prevention and information programmes in schools, especially on reproductive health.

42. **In line with its previous recommendation (CRC/C/15/Add.75, para.45), the Committee recommends that the State party:**

(a) Undertake a comprehensive and multidisciplinary study to assess the scope and nature of adolescent health problems, including the negative impact of STDs and HIV/AIDS, and develop adequate policies and programmes;

(b) Increase its efforts to promote adolescent health, including mental health, policies, particularly with respect to reproductive health and substance abuse, and strengthen the programme of health education in schools;

(c) Undertake further measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards reproductive health, and to develop youth-sensitive and confidential counselling, care and rehabilitation facilities that are accessible without parental consent when this is in the best interests of the child; and

(d) Seek additional technical cooperation from, among others, UNFPA, UNICEF, WHO and UNAIDS.

7. Education, leisure and cultural activities

Education

43. While noting with appreciation the National Education Law of 1998 and the high rate of primary school enrolment, which is more than 95 per cent, the Committee is nevertheless concerned about the continuing poor quality of education, the non-tuition costs of compulsory school, the high repetition and drop-out rates, and the poor condition of infrastructures. It further notes with concern that pregnant girls are not allowed to stay in school.

44. **In light of articles 28 and 29 of the Convention, the Committee recommends that the State party:**

(a) Undertake appropriate measures to increase budgetary allocations for education, in particular for the improvement of school infrastructure;

(b) Ensure regular attendance at schools and the reduction of drop-out rates;

(c) Take measures to prevent bullying and other forms of violence in schools;

(d) Improve the quality of education in order to achieve the goals mentioned in article 29 (1), in line with the Committee's general comment No. 1 on the aims of education; and

(e) Seek additional technical cooperation from, among others, UNESCO and UNICEF.

8. Special protection measures

Children in armed conflict

45. The Committee is deeply concerned that, although the State party's legislation states that the minimum age for recruitment into the armed forces is 18, minors constitute a considerable proportion of conscripts into the Paraguayan armed forces and national police, and very much regrets that its previous recommendation (CRC/C/15/Add. 75, para. 36) in this regard was not implemented. It is deeply worried at the number of cases of torture and ill-treatment of conscripts, including children, by their superiors and at cases of unclarified deaths of conscripts, which also involved minors. In particular, it notes with concern that the majority of these deaths and ill-treatment cases were not investigated, and that there are reports of forcible recruitment of children, especially in rural areas, and of falsification of documents proving their age.

46. **The Committee urges the State party:**

(a) To put an end to the practice of recruiting children into the Paraguayan armed forces and national police, in line with its previous recommendation (CRC/C/15/Add.75, para. 36), and punish those involved in forcible recruitment;

(b) To investigate all cases of ill-treatment and death of conscripts and suspend from duty the officials implicated in such accidents;

(c) To prosecute and punish those responsible for these violations;

(d) To provide compensation to the victims of human rights violations during military service or their families;

(e) To provide training on human rights, including children's rights, to army officials; and

(f) To ratify the Optional Protocol to the Convention on the involvement of children in armed conflict, setting 18 years as the minimum age for all military recruitment.

Economic exploitation

47. The Committee expresses its deep concern at the increasing number of children who are exploited economically, in particular those under 14 years of age. In particular, it notes cases of abuse of girls in domestic service and a large number of children working in the streets, often at night and in unhealthy conditions, especially in the capital, Asunción. It also notes that ILO Convention No. 138 concerning Minimum Age for Admission to Employment has not been ratified.

48. **In light of article 32 of the Convention and in line with its previous recommendation (CRC/C/15/Add. 75, para. 43), the Committee reiterates that the State party should:**

(a) Continue to enforce and strengthen its legislation protecting working children;

(b) Combat and eradicate as effectively as possible all forms of child labour, including by strengthening its cooperation with ILO/IPEC; and

(c) Ratify ILO Convention No. 138 concerning Minimum Age for Admission to Employment.

Sexual exploitation

49. The Committee expresses its deep concern that, with regard to the increasing phenomenon of commercial sexual exploitation of children, there are no data available, legislation is inadequate, cases involving sexually exploited children are often not investigated and prosecuted, victims are criminalized, and rehabilitation programmes are not available. It further notes that a national plan against commercial sexual exploitation of children has not been developed.

50. **In light of article 34 of the Convention and in line with its previous recommendation (CRC/C/15/Add. 75, para. 47), the Committee recommends that the State party:**

(a) Undertake a study on this issue in order to assess its scope and causes, enable effective monitoring of the problem and develop all necessary measures and programmes to prevent, combat and eliminate sexual exploitation and abuse of children;

(b) Develop and adopt a national plan against sexual and commercial exploitation of children, taking into account the Agenda for Action of the Stockholm World Congress against Commercial Sexual Exploitation of Children; and

(c) In this regard, seek international cooperation from, among others, UNICEF and WHO.

Juvenile justice

51. While noting that the new Children's Code establishes a specific criminal procedure for children aged from 14 to 18 and the creation of a Youth Division of the National Police, the Committee expresses its concern at the long periods of pre-trial detention, at the fact that it is not used as a last resort, and that children are not informed of their rights and are not provided with legal assistance. Deep concern is also expressed at reports of torture and ill-treatment of detained juveniles, especially in the recently destroyed Panchito López Juvenile Correctional Institute, and at the situation of detention centres for juveniles, which are overcrowded and in poor condition. The Committee further notes that the education, rehabilitation and reintegration programmes provided during the detention period are inadequate.

52. **In line with its previous recommendation (CRC/C/15/Add. 75, para. 48), the Committee recommends that the State party:**

(a) Continue reviewing laws and practices regarding the juvenile justice system in order to bring it as soon as possible into full compliance with the Convention, in particular articles 37, 40 and 39, as well as with other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines);

(b) Expedite the full enforcement of the Children's Code of 2001 which guarantees due process of law for children and social and educational correctional measures;

(c) Use pre-trial detention only as a measure of last resort, for as short a time as possible and for no longer than the period prescribed by law;

(d) Use alternative measures to pre-trial detention and other forms of deprivation of liberty whenever possible;

(e) Incorporate into its legislation and practices the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, in particular to guarantee them access to effective complaints procedures covering all aspects of their treatment;

(f) Ensure that those officers implicated in acts of torture and ill-treatment against inmates are suspended from duty pending a full and impartial investigation and, if found responsible, brought to justice;

(g) Provide training on human rights, including children's rights, to staff in detention centres;

(h) Take effective steps to improve conditions in detention centres and provide adequate education to children deprived of their liberty;

(i) Take appropriate rehabilitative measures to promote the social reintegration of the children involved in the juvenile justice system;

(j) Seek assistance from, inter alia, OHCHR, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

9. Optional Protocols

53. **The Committee encourages the State party:**

(a) To ratify and implement the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict;

(b) To accept the amendment to article 43 of the Convention as soon as possible.

10. Dissemination of documents

54. **Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the second periodic report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.**